

# EXHIBIT “3”

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW CHARLES BELANGER,  
Plaintiff,  
-against-

NEW YORK UNIVERSITY and NYU SHANGHAI,  
Defendants.

Case No. 1:21-cv-01644-GHW

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(Via Zoom Videoconference)  
March 30, 2023  
9:37 a.m.

Virtual Videoconference Deposition  
of MATTHEW CHARLES BELANGER, before  
Kristi Cruz, a Stenographic Reporter and  
Notary Public of the State of New York.

Job No. CS5838797

A P P E A R A N C E S :

MATTHEW CHARLES BELANGER

Plaintiff Pro Se

447 Broadway, 2nd Floor

New York, New York 10013

fatbits@gmail.com

JACKSON LEWIS P.C.

Attorneys for Defendants

44 South Broadway, 14th Floor

White Plains, New York 10601

BY: SUSAN FRIEDFEL, ESQ.

MONIKA ZARSKI, ESQ.

susan.friedfel@jacksonlewis.com

monika.zarski@jacksonlewis.com

ALSO PRESENT:

DANIEL MAGIDA, ESQ., NYU Shanghai

DELONIE PLUMMER, ESQ., NYU

1 - M. BELANGER -

2 M A T T H E W C H A R L E S B E L A N G E R,  
3 called as a witness, having been duly  
4 sworn by a Notary Public, was examined  
5 and testified as follows:

6 Q. Good morning, Mr. Belanger. My name  
7 is Susan Friedfel, and I'm here today as an  
8 attorney for the defendants, New York  
9 University and Shanghai New York University.  
10 With me are representatives, the General  
11 Counsel from Shanghai New York University and  
12 Assistant General Counsel for New York  
13 University, as well as my colleague from  
14 Jackson Lewis.

15 Just throughout the deposition  
16 today, I'm going to refer to defendant New  
17 York University either as New York University  
18 or as NYU. You'll understand when I refer to  
19 NYU, I'm referring to defendant New York  
20 University?

21 A. Yes.

22 Q. And I'll refer to defendant Shanghai  
23 New York University at NYU Shanghai, so you'll  
24 understand what I mean when I say NYU Shanghai?

25 A. Yes.

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2 Q. Great. So today I'm going to ask  
3 you a series of questions that you will answer  
4 under oath, just as if you were in a court of  
5 law. You understand that?

6 A. Yes.

7 Q. And have you ever been deposed  
8 before?

9 A. No.

10 Q. Okay. Have you ever provided any  
11 type of sworn testimony at any time?

12 A. No.

13 Q. Where are you physically right now?

14 A. I'm in a bedroom in my house.

15 Q. And is anyone else there with you?

16 A. No. You mean in the room?

17 Q. Yeah, in the room.

18 A. Nobody's in the room.

19 Q. And do you have anything in front of  
20 you other than the Zoom screen?

21 A. I do.

22 Q. What do you have in front of you?

23 A. I have a hotspot I borrowed from the  
24 public library in the event that it is needed.

25 I have two bottles of hemp water. I have a

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2 box of tissue. I have reading glasses in case  
3 they become necessary. And I have my father's  
4 ashes.

5 Q. Do you have any documents of any  
6 kind, whether electronic or hard copy, in  
7 front of you?

8 A. No.

9 Q. Do you have any other apps open on  
10 the computer that you're using?

11 A. I do. I can close them.

12 Q. If you would. Thank you.

13 A. Yes.

14 Okay.

15 Q. Are you --

16 A. One app is not quitting. There,  
17 it's quit now.

18 Q. Thank you.

19 And are you recording this  
20 proceeding in any way?

21 A. No.

22 Q. Do you have a cell phone in front of  
23 you?

24 A. I do not.

25 Q. Do you understand that while we're

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2 on the record, that you are not permitted to  
3 communicate with anybody else?

4 A. Understood.

5 Q. Thank you. If at any point in time  
6 you'd like to take a break, we can take a  
7 break, just let me know. The only thing I  
8 would ask is that if there's a question  
9 pending, that you answer the question before  
10 we take the break. Okay?

11 A. Understood.

12 Q. Please understand that it's  
13 important that you give verbal answers to the  
14 questions and that, you know, in normal  
15 parlance or normal conversation we might shrug  
16 or use uh-huh or uh-uh, but those are very  
17 difficult for the court reporter to accurately  
18 transcribe, so we'll need you to provide  
19 verbal answers not questions. Do you  
20 understand?

21 A. I do.

22 Q. And if you can't hear a question at  
23 any time, please let me know and I'll repeat  
24 it for you.

25 A. Okay.

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2 Q. Similarly, if at any point you don't  
3 understand a question that I've asked, just  
4 tell me and I'll try to rephrase it for you.  
5 Okay?

6 A. Okay.

7 Q. I'd ask that you please wait until I  
8 finish my question before you begin to answer  
9 even if you think you know sort of where the  
10 questions's going, because it's very difficult  
11 for the court reporter to transcribe two  
12 people speaking at the same time. Do you  
13 understand?

14 A. I do.

15 Q. So if you answer a question, I'm  
16 going to assume that you heard the question  
17 and that you understood it. Okay?

18 A. Okay.

19 Q. Are you presently under the  
20 influence of any substance that would affect  
21 your ability to understand and answer my  
22 questions today?

23 A. No.

24 Q. Is there any other reason you can  
25 think of why you wouldn't be able to



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2 understand and answer apply questions  
3 truthfully and accurately today?

4 A. I sleep rather poorly, and my  
5 anxiety does affect my ability to concentrate.

6 Q. Well, I just want to reiterate that  
7 if at any point you feel like you need to take  
8 a break, that we're happy to do that. Okay?

9 A. Okay.

10 Q. For the record, could you please  
11 state your full name?

12 A. Matthew Charles Belanger.

13 Q. And you ever been known by any other  
14 name?

15 A. No.

16 Q. How long have you lived at your  
17 current address?

18 A. Am I allowed to ask questions of  
19 you? I want to clarify. I've owned the  
20 property, but I've lived in China off and on.  
21 So I don't know how to answer that question  
22 exactly.

23 Q. Okay. And the property, that's the  
24 property on Summer Street in Adams,  
25 Massachusetts?

1 - M. BELANGER -

2 A. Correct.

3 Q. How long have you owned that  
4 property?

5 A. October of 2006, I believe.

6 Q. Why don't we work backwards. When  
7 was the last time that you lived in China?

8 A. I was there until the end of May of  
9 2022.

10 Q. Between the end of May of 2022 and  
11 now, has anybody else lived with you?

12 A. Yes.

13 Q. Who?

14 A. My wife, Kyomi Takeda.

15 Q. Anybody other than your wife?

16 A. No.

17 Q. Have how long have you been married?

18 A. Since October of last year.

19 Q. Of 2022?

20 A. Correct.

21 Q. Congratulations.

22 A. Thank you.

23 Sorry, November, November.

24 Q. November?

25 A. Yeah. As you may recall, that was a

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2 pretty intense period of my life.

3 Q. Yeah. I'm very sorry for your loss.

4 A. Thank you.

5 Q. So prior to May 2022, how long did  
6 you live in China?

7 A. Between August of 2013, and I left  
8 for a period during COVID beginning in January  
9 of 2020 or -- yeah, late January 2020. And  
10 then I returned back to China I believe  
11 October of 2022.

12 Q. Okay. So you're saying that from  
13 January 2020 to October of 2022 you were in  
14 Massachusetts, living in Massachusetts?

15 A. Correct.

16 Q. So you were in China fro August of  
17 2013 until January of 2020?

18 A. Correct. Periods of time in the  
19 U.S. and other countries.

20 Q. With whom did you live while you  
21 were in China?

22 A. For part of that time I lived with  
23 Marianne Petit.

24 Q. For what period of time did you live  
25 with Ms. Petit?

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2 A. From August 2013 until -- I don't  
3 remember a firm date.

4 Q. Approximately. Was it 2015, 2016,  
5 2014?

6 A. I don't recall. Sorry.

7 Q. That's okay. Did you live with  
8 anybody else while you were in China?

9 A. No.

10 Q. Did you attend college,  
11 Mr. Belanger?

12 A. I did.

13 Q. Where?

14 A. The Art Institute of Boston.

15 Q. And did you obtain --

16 A. And New York University.

17 Q. And did you obtain degrees from  
18 those institutions?

19 A. I did. I also attended University  
20 of Arkansas at Little Rock. I did not obtain  
21 a degree. From there, I transferred to Art  
22 Institute of Boston, where I did obtain my  
23 degree.

24 Q. And when did you graduate from NYU?

25 A. May of 2003.

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Q. With what degree?

A. A Master of Professional Studies.

Q. Do you hold any professional  
licenses?

A. No.

Q. Have you ever been a plaintiff in a  
lawsuit other than this one?

A. No.

Q. Have you ever been a defendant in a  
lawsuit?

A. No.

Q. Have you ever been involved in any  
capacity in any other type of legal proceeding?

A. Auto accident. I don't know whether  
that was a legal proceeding or not, but I did  
appear before a magistrate.

Q. When was that auto accident?

A. Auto accident was in -- I can't  
recall.

Q. Did you do anything to prepare for  
the deposition today?

A. I did.

Q. What did you do?

A. I don't know if I can object on the

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2 grounds of privilege, but if I can, I'd like  
3 to.

4 Q. You're not represented by an  
5 attorney in this case; is that correct?

6 A. That is correct.

7 Q. Okay. I guess I'm not understanding  
8 what the privilege objection would be.

9 A. It's my understanding that I have  
10 attorney/client privilege during the times  
11 when I meet with the people that I meet with.

12 Q. Well, with whom did you meet?

13 A. Hofstra's Pro Se Legal Assistance  
14 Program.

15 Q. Was anyone present at that meeting  
16 other than the attorneys or law students  
17 involved in that program?

18 A. Not to my knowledge.

19 Q. And when did you meet with them?

20 A. I met with them on Wednesday.

21 Q. "Wednesday" meaning yesterday?

22 A. Yes.

23 Q. And for how long?

24 A. About 40 minutes.

25 Q. Did you have any other meetings with

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2 them in preparation for the deposition?

3 A. We may have spoken about the  
4 deposition at an earlier meeting, yes.

5 Q. And when was that, approximately?

6 A. I believe it was the week prior.

7 Q. For how long did you meet the week  
8 prior?

9 A. I don't recall.

10 Q. Other than the individuals at the  
11 Hofstra Pro Se Legal Assistance Program, did  
12 you speak with anybody else in preparation for  
13 this deposition?

14 A. No.

15 Q. Did you review any documents in  
16 preparation for the deposition?

17 A. Could you say that again? My  
18 radiator is clanging and the audio was a  
19 little choppy.

20 Q. That's okay. Did you review any  
21 documents in preparation for the deposition?

22 A. No. I'm sorry, they provided me  
23 with the document, that is what I prepared  
24 with, yeah. I didn't -- I'm sorry, I was  
25 confused. I didn't know if you meant

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2 documents with respect to the evidence or some  
3 other document. Could you clarify?

4 Q. So if I understand, you're saying  
5 that the document you reviewed was a document  
6 provided to you by the Hofstra Pro Se Legal  
7 Assistance Program?

8 A. That's correct.

9 Q. But you didn't review any other  
10 documents other than that?

11 A. Right.

12 Q. Okay. So I am going to mark as  
13 Exhibit 1 a copy of the amended complaint in  
14 this action, and I'm going to pull it up on my  
15 the screen and share my screen. I'm not going  
16 to ask you any specific questions about the  
17 document. I just want you to review it and  
18 confirm that it's the complaint that you filed  
19 with the court. Okay?

20 (Defendant's Exhibit 1, Amended  
21 Complaint, marked for identification, as  
22 of this date.)

23 Q. Do you recognize the document that  
24 we've marking as Exhibit 1?

25 A. Yes.



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2 Q. So I'm just going to scroll through  
3 it. Is that your signature there above where  
4 it says "Matthew Charles Belanger"?

5 A. That is.

6 Q. I'm going to through to the end so  
7 you can see the entirety of the document.

8 And is that your signature again  
9 there above where it says "Matthew Charles  
10 Belanger"?

11 A. Yes.

12 Q. So having just scanned through the  
13 document, can you confirm that this is the  
14 Amended Complaint that you filed in the  
15 federal court in this action?

16 A. I'm not able to confirm that based  
17 on this skimming of the document, no.

18 Q. Okay. Well, you see at the head of  
19 each page is the file stamp from the court?

20 A. I don't -- I don't see that.

21 Q. You see in blue where it says "Case  
22 1:21-cv" --

23 A. Yes, now I see.

24 Q. And do you understand that that's  
25 the file stamp showing that it was filed with

1 - M. BELANGER -

2 the court?

3 A. Yes, I understand that.

4 Q. I'm going to stop sharing now.

5 Did you prepare the Amended  
6 Complaint that you filed in this action?

7 A. Yes.

8 Q. And do you believe everything  
9 contained in it to be factually true and  
10 accurate?

11 A. To the best of my memory at the  
12 time.

13 MS. FRIEDFEL: Now I'm going to show  
14 you what we're marking as Exhibit 2.

15 (Defendant's Exhibit 2, Plaintiff's  
16 Answers and Objections to Defendant New  
17 York University's First Set of  
18 Interrogatories and Document Requests,  
19 marked for identification, as of this  
20 date.)

21 Q. Do you see the document that we're  
22 going to mark as Exhibit 2 in front of you?

23 A. Yes.

24 Q. And it's headed Plaintiff's Answers  
25 and Objections to Defendant New York

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2 University's First Set of Interrogatories and  
3 Document Requests. It's a 28-page document.  
4 We're going to go to the signature page.  
5 Under where it says "Verification" on page 28,  
6 is that your signature there?

7 A. That is.

8 Q. Did anyone assist you -- let me  
9 rephrase that.

10 Did anyone other than the attorneys  
11 and law students at the Pro Se Legal  
12 Assistance Program assist you in drafting  
13 these responses that we've marked as  
14 Exhibit 2?

15 A. I don't recall.

16 Q. Is there something that would  
17 refresh your recollection?

18 A. Can you provide me the date that it  
19 was submitted on?

20 Q. The date that you signed the  
21 verification says that it was dated the 25th  
22 of August 2022.

23 A. I don't recall when I transitioned  
24 between NYLAG and Hofstra's program. It's  
25 possible that if I began working on this

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2 document before I transitioned to Hofstra,  
3 that NYLAG would have also participated.

4 Q. What did you do to search for  
5 documents responsive to defendant's requests?

6 A. I have been searching through  
7 keywords, both on Google and other search  
8 engines, DuckDuckGo. I've been searching in  
9 my email.

10 Q. Anyplace else?

11 A. On social media. I have not  
12 provided those documents yet.

13 Q. Why not?

14 A. I'm in the process of downloading  
15 them, preparing them.

16 Q. And the documents that you're in the  
17 process of downloading and preparing are  
18 documents that are responsive to the requests  
19 contained in Exhibit 2?

20 A. With respect to social media.

21 Q. Okay. And what about with respect  
22 to email?

23 A. With respect to email, as well.

24 Q. And what about with respect to the  
25 documents on DuckDuckGo?

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2 A. I am not sure if I've found  
3 additional documents since the last DVD I  
4 provided.

5 Q. Okay. And what about --

6 A. I also contacted my healthcare  
7 providers in China to ask that they provide  
8 the medical records.

9 Q. And those records have not been  
10 produced to date; is that correct?

11 A. I provided a number of those records  
12 on the last DVD.

13 Q. Right. I'm sorry --

14 A. I provided all the records that I  
15 had at that time.

16 Q. So, I'm sorry, I understood what you  
17 were saying to be that you were still in the  
18 process of seeking health records from China.  
19 Is that the case?

20 A. I had requested all records; I have  
21 not received all records.

22 Q. Okay. Thank you. That's what I was  
23 trying to understand.

24 With respect to your emails, which  
25 email accounts do you have?

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2 A. Which email accounts --

3 Q. Do you have? Like which email  
4 accounts do you use?

5 A. Do you have? So I have the  
6 fatbits@gmail.com account. I have  
7 matt@fatbits.com. I have matt@fatbits.net. I  
8 have mb@fatbits.net. And I have an NYU email  
9 address.

10 Q. Do you control the --

11 A. I also have an email address that I  
12 created for the estate of my father.

13 Q. And the email address for the estate  
14 of your father, you only use that email  
15 address for business relating to his estate;  
16 is that correct?

17 A. That's correct.

18 Q. Okay. With respect to your other  
19 email addresses, have you produced records  
20 responsive to our requests from those email  
21 addresses to date?

22 A. I have not.

23 Q. And the Fatbits.net domain, is that  
24 one that you own and control?

25 A. Yes.

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2 Q. And the same for Fatbits.com?

3 A. Yes.

4 Q. And how have you been about  
5 searching the Fatbits.net and .com email  
6 addresses for responsive documents?

7 A. Searching for, you know, keywords,  
8 NYU, etcetera, and searching for any of the  
9 individuals listed in response to my  
10 interrogatory.

11 Q. When you say "searching," that's a  
12 manual search, like you're just --

13 A. Yeah.

14 Q. Okay. Is that through Outlook?

15 A. No.

16 Q. What program do you use for your  
17 email?

18 A. Apple Mail.

19 Q. At any point since you filed your  
20 EEOC charge, have you taken any steps to  
21 preserve your records relating to your  
22 allegations in this case?

23 A. I'm not sure what those steps would  
24 be other than to not destroy them.

25 Q. Did you take any images of your hard

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drives?

A. You mean like a backup?

Q. Correct.

A. I believe so.

Q. Where is that backup stored?

A. I don't know.

Q. Is it on a cloud or is it on a physical hard drive?

A. I do use iCloud or whatever it's called, Apple's cloud, and I have used, in the past, hard drives for backup.

Q. Do you continue to have access to your NYU email?

A. I have not accessed it.

Q. When was --

A. I don't know whether I continue to have access or not.

Q. When was the last time you accessed your NYU email?

A. I don't recall.

Q. Have you accessed it since May of 2022?

A. May of 2022? I have not accessed it since then.



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2 Q. And did you download your NYU emails  
3 on to your own computer when you used your NYU  
4 email?

5 A. I don't -- I don't recall.

6 Q. So you don't -- do you know if you  
7 have access -- I don't mean access to the  
8 server, but I mean do you have currently in  
9 your possession email correspondence from your  
10 NYU account?

11 A. I'm not sure. Oh, I do believe that  
12 I do, yeah. I do believe that I do.

13 Q. Do you have any handwritten notes  
14 relating to the events alleged in this case?

15 A. I do not.

16 Q. Do you have any typewritten notes?

17 A. I do not.

18 Q. Do you use text messaging?

19 A. I do.

20 Q. And what programs do you use for  
21 text messaging?

22 A. I use messages, Apple's messages.  
23 I'm trying to think. I have used WhatsApp, I  
24 have used Telegram, I have used WeChat.

25 Q. Any others?

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2 A. That is what I recall.

3 Q. And have you searched any of those  
4 text messaging platforms for documents that  
5 would be responsive to our document requests?

6 A. Yes.

7 Q. And have you produced those text  
8 messages?

9 A. No.

10 Q. Other than what you've already  
11 produced in the case, do you have any other  
12 nonelectronic documents or hard copy documents  
13 in your possession that you've not yet  
14 produced?

15 A. I may.

16 Q. And where would those be?

17 A. On the table downstairs.

18 Q. On the table downstairs in your  
19 home?

20 A. Yes.

21 Q. And is that where they're  
22 maintained?

23 A. Yes.

24 Q. And what's the nature of these  
25 documents?

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2 A. Employment contracts, other  
3 documents that would have been provided to me  
4 by NYU Shanghai over the years. There might  
5 be some banking records from China pertaining  
6 to the remittance of money and salary and tax  
7 documentation.

8 Q. Other than what you've already  
9 described, are there any other hard copy or  
10 electronic documents that you believe are  
11 responsive to our discovery demands that you  
12 have not produced?

13 A. I'm not aware of any.

14 Q. Were you employed before you began  
15 working at NYU Shanghai?

16 A. I was.

17 Q. Where were you employed?

18 A. Borough of Manhattan Community  
19 College.

20 Q. What was your position there?

21 A. Assistant professor. I also  
22 maintained a consultancy, which I was the  
23 president of.

24 Q. What was the name of that  
25 consultancy?

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2 A. Fatbits LLC.

3 Q. And for how long were you an  
4 assistant professor at BMCC?

5 A. For one academic year.

6 Q. Was that a tenure track position?

7 A. It was.

8 Q. Do you have an appointment letter  
9 from that position?

10 A. I'm not sure.

11 Q. And what were the circumstances of  
12 your departure from the position at BMCC?

13 A. I asked for a one-year leave to go  
14 to NYU Shanghai. The leave was not granted,  
15 and so I resigned and pursued the position in  
16 Shanghai.

17 Q. And how did you learn that there was  
18 a position available at NYU Shanghai?

19 A. I don't recall.

20 Q. Do you recall when you applied?

21 A. I do not recall.

22 Q. Did you respond to a posting or did  
23 somebody approach you about the position?

24 A. I don't recall the circumstances.

25 Q. Were you interviewed for the

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2 position?

3 A. I believe I was.

4 Q. Who interviewed you?

5 A. Ronald Robin.

6 Q. Is he the only person who  
7 interviewed you?

8 A. I also spoke with Hilary Ballon in  
9 advance of being hired. I'm not sure whether  
10 that was an interview.

11 Q. And do you remember when you were  
12 interviewed for that position?

13 A. I do not.

14 Q. When did you start your position at  
15 NYU Shanghai?

16 A. August of 2013.

17 Q. And prior to August of 2013, had NYU  
18 Shanghai held any classes?

19 A. I don't know.

20 Q. Was that the first year that the  
21 university enrolled students, 2013-2014?

22 A. I wouldn't be qualified to answer  
23 that.

24 Q. So you don't know whether there were  
25 courses held prior to August 2013 at NYU

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2 Shanghai?

3 A. I don't. It's my understanding that  
4 it was a study away site. I don't know the  
5 specifics.

6 MS. FRIEDFEL: I'm going to mark  
7 another document. This one will be  
8 Exhibit 3.

9 (Defendant's Exhibit 3, Series of  
10 documents, 67 pages, marked for  
11 identification, as of this date.)

12 Q. We're going to go through the  
13 document and I'm going to ask you to identify  
14 each one. It's a series of documents compiled  
15 together.

16 Do you see it's a 67-page document,  
17 the first page dated January 22, 2013. So I  
18 am going to scroll through the first few  
19 pages, and just let me know -- you don't need  
20 to read them in detail, but I'm going to ask  
21 you if you recognize the documents, so just  
22 let me know if you'd like me to go faster or  
23 slower as you go through it.

24 A. Please allow me to read the page.

25 Q. Sure. Just let my know when you're

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2 finished.

3 Actually, if it would be easier for  
4 you, Mr. Belanger, I could email it to you.  
5 We can go off the record and you can  
6 manipulate it yourself, if that would be  
7 easier.

8 A. That's okay. I'm fine.

9 Okay. I've read the portion on the  
10 screen.

11 Okay.

12 Q. Is that your signature on page 2 of  
13 this document?

14 A. It is.

15 Q. The date that you signed this  
16 document, was that February 10, 2013?

17 A. That is what is indicated.

18 Q. Is this your initial appointment  
19 letter or offer letter for your position at  
20 NYU Shanghai?

21 A. I believe it to be.

22 Q. And I'm showing you the next page.  
23 What follows the employment contract -- I'm  
24 just going to show you each of the pages and  
25 ask you to confirm your signature.

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2 Is this your signature here on  
3 what's indicated as page 21 of the PDF and  
4 what's indicated as page 18 of the document?

5 A. It could be.

6 Q. Do you have any doubt that this is  
7 your signature?

8 A. Well, my signature prior to  
9 moving -- well, when I moved to China, I  
10 recognized that my signature previously might  
11 have been a bit too eccentric, and so I made  
12 changes to that signature to standardize it.  
13 Prior to that, my signature was a bit erratic.  
14 Looking at it, it could be my signature.

15 Q. Did you sign a contract in 2013 for  
16 your employment with NYU Shanghai?

17 A. I did.

18 Q. I'm going to stop sharing for now.

19 MS. FRIEDFEL: We've been going for  
20 almost an hour, so I think now would  
21 probably be a good time to take a break.  
22 We can go off the record.

23 (Recess was taken.)

24 THE WITNESS: I wanted to add to a  
25 previous response, if possible.



1 - M. BELANGER -

2 MS. FRIEDFEL: Sure.

3 THE WITNESS: I recalled something.

4 MS. FRIEDFEL: Okay.

5 A. I also used the app Line for text  
6 messaging.

7 Q. L-I-N-E?

8 A. L-I-N-E, correct.

9 Q. And have you searched that app for  
10 documents responsive to our document request?

11 A. Yes.

12 Q. And have you produced those  
13 documents?

14 A. No.

15 Q. When you began your employment at  
16 NYU Shanghai, who was your supervisor?

17 A. That's an interesting question, in  
18 that I recall having a meeting with then dean  
19 Joanna Waley-Cohen, where she made my  
20 supervisor to be Daniel O'Sullivan.

21 Q. Was anyone else present at that  
22 meeting?

23 A. Marianne Petit.

24 Q. And did you report to  
25 Dr. Waley-Cohen as the dean at the time?

- M. BELANGER -

A. Yes.

Q. She's the Dean of Arts and Sciences at NYU Shanghai?

A. That's correct.

Q. And you, at that time when you started your employment at NYU Shanghai in August 2013, you were physically present in Shanghai?

A. Yes.

Q. And your work at NYU Shanghai was physically in Shanghai until January 2020 when the COVID-19 pandemic occurred?

A. There were certainly times when I worked at other global sites, including in New York. I visited most, if not all, of the sites in Europe for work. I also visited Abu Dhabi for work.

Q. And were you ever resident at any other site or campus other than Shanghai?

A. What do you mean by "resident"?

Q. Where your office was located where you were working for an extended period.

A. I did not have an office at another location.

1 - M. BELANGER -

2 Q. And these other visits at these  
3 other locations, what was the longest off-site  
4 visit?

5 A. At any particular site?

6 Q. At any of the sites outside of  
7 Shanghai.

8 A. I don't recall.

9 Q. Was there any that were more than a  
10 week?

11 A. It's possible.

12 Q. Is there a way you could confirm  
13 that? Is there something you would look at to  
14 determine the answer to that question?

15 A. I guess I would have to look at  
16 appointments.

17 Q. Meaning appointments in your  
18 calendar?

19 A. Or in email.

20 Q. And do you maintain an electronic  
21 calendar?

22 A. I have a calendar, yes.

23 Q. Do you maintain a hard copy  
24 calendar?

25 A. I do not.

1 - M. BELANGER -

2 Q. Have you maintained a hard copy  
3 calendar at any point since August of 2013?

4 A. I have not.

5 Q. Have you maintained an electronic  
6 calendar throughout that period?

7 A. I stopped maintaining a calendar  
8 sometime in 2018.

9 Q. And you've not maintained one since?

10 A. That's right.

11 Q. What was your title when you started  
12 with your initial appointment at NYU Shanghai?

13 A. Can you say that again?

14 Q. What was the position that you held  
15 when you started your employment with NYU  
16 Shanghai?

17 A. I believe the title was visiting  
18 assistant professor.

19 Q. Did that title change at some point?

20 A. It did.

21 Q. And when did that change?

22 A. I don't recall.

23 Q. Do you recall what your title was  
24 after the change?

25 A. I believe it was assistant

- M. BELANGER -

professor.

Q. And did there come a time when you became the Associate Director of the Interactive Media Arts Program at NYU Shanghai?

A. There was a time, yeah.

Q. When was that?

A. I don't recall the date.

Q. What were your duties as associate director -- can we refer to the Interactive Media Arts Program as IMA?

A. That's fine.

Q. What were your duties as associate director of IMA?

A. I pretty much did everything that was necessary to run the second largest academic program at the school. All aspects of running an academic program.

Q. Which would include curricular decisions?

A. Yes.

Q. And staffing decisions?

A. Yes.

Q. Hiring?

1 - M. BELANGER -

2 A. Yes.

3 Q. Did you interface with human  
4 resources?

5 A. I did.

6 Q. Any other specific duties that you  
7 recall?

8 A. Scheduling courses each semesters, I  
9 maintained the website and the blog for the  
10 program, I met with colleagues in other  
11 programs to discuss any number of issues that  
12 would arise. I was involved in the Curriculum  
13 Committee, I was involved in I believe it was  
14 Technology Enhanced Education Committee, I was  
15 involved with a committee responsible for  
16 developing policy. I also conducted  
17 advisement sessions for students, I oversaw  
18 all aspects of the procurement of equipment,  
19 the outfitting of the space, including ongoing  
20 construction, evaluating faculty.

21 Q. Evaluating faculty?

22 A. Mentoring, mentoring faculty.

23 Q. I don't want to interrupt you. Are  
24 you finished with your answer?

25 A. That's what I -- that's what I can

1 - M. BELANGER -

2 say right now.

3 Q. And at some point, were you offered  
4 the title of Assistant Dean of Emerging Media?

5 A. I was.

6 Q. And what precipitated those  
7 discussions?

8 A. I believe Joanna Waley-Cohen came to  
9 me and we were discussing my future within NYU  
10 Shanghai, and we discussed that as a way to  
11 fully recognize the breadth of the work that I  
12 was doing.

13 Q. Had you at that point been  
14 considering leaving NYU Shanghai?

15 A. I would say that in any given year,  
16 that could have been a possibility.

17 Q. And did you express to anyone at NYU  
18 Shanghai that you felt that you needed this  
19 additional recognition to warrant your  
20 continuing with the program?

21 A. I don't recall.

22 Q. Did you ever suggest to anybody that  
23 if you didn't get some sort of additional  
24 recognition, that you would leave the program?

25 A. I don't recall suggesting that.

1 - M. BELANGER -

2 Q. Was there someone in the Assistant  
3 Dean For Emerging Media position before you  
4 held it?

5 A. No.

6 Q. Did you understand, at the time that  
7 it was offered to you, that the offer of the  
8 Assistant Dean title was an effort to retain  
9 you?

10 A. I can't really speculate what was in  
11 the minds of Joanna or others.

12 Q. I'm not asking you to speculate as  
13 to what was in their minds. I'm asking what  
14 your understanding was at the time.

15 A. I didn't understand it that way.

16 MS. FRIEDFEL: I'm going to mark as  
17 Exhibit 4 -- I'm sorry. Can we just go  
18 off the record for a second?

19 (Discussion held off the record.)

20 MS. FRIEDFEL: I'm going to show you  
21 what we're marking as Exhibit 4. It is a  
22 two-page document dated December 19, 2016.

23 (Defendant's Exhibit 4, Two-page  
24 letter dated December 19, 2016, marked for  
25 identification, as of this date.)



1 - M. BELANGER -

2 BY MS. FRIEDFEL:

3 Q. Mr. Belanger, I'm going to scroll  
4 down to the text, and you let me know when you  
5 have finished reviewing that part and I will  
6 move it down.

7 A. Okay. Okay.

8 Q. Please let me know when you've  
9 finished.

10 A. Okay.

11 Q. And I'm just going to show you the  
12 second page there. Do you recognize this  
13 document?

14 A. It looks familiar.

15 Q. Is this the initial offer letter  
16 that you received in connection with the  
17 Assistant Dean position?

18 A. I can't say for sure.

19 Q. Is there something that would assist  
20 you in knowing for sure?

21 A. I would need to review emails from  
22 that time.

23 Q. You did not sign this version of the  
24 offer letter, this December 19, 2016 version;  
25 is that correct?

1 - M. BELANGER -

2 A. I don't know.

3 Q. Do you recall negotiating the terms  
4 of that appointment?

5 A. I do.

6 Q. And with whom did you negotiate  
7 those terms?

8 A. Joanna Waley-Cohen.

9 Q. Anybody else?

10 A. Daniel O'Sullivan was always  
11 involved in my employment to the degree to  
12 which it involved New York. So part of my  
13 responsibilities were to, as it says in the  
14 letter -- can you go back to the letter,  
15 please?

16 Q. Sure.

17 MS. FRIEDFEL: For the record, we're  
18 showing Exhibit 4.

19 A. Yeah, so where it says "and ITP  
20 program in New York." So some of those  
21 responsibilities were determined by O'Sullivan  
22 with respect to the Residency Graduate Program  
23 and interoperation of IMA across continents.

24 Q. Did you have any discussions with  
25 Mr. O'Sullivan about the terms and conditions

1 - M. BELANGER -

2 of your appointment as Assistant Dean?

3 A. Yes.

4 Q. Were those oral conversations or  
5 written communications?

6 A. Oral conversations.

7 Q. Was anyone else present during those  
8 conversations?

9 A. I don't recall.

10 Q. Did he have the authority to grant  
11 you an appointment at NYU Shanghai? "He"  
12 meaning Mr. O'Sullivan.

13 A. I wouldn't know.

14 Q. Is it your contention that there was  
15 something discriminatory or retaliatory  
16 regarding either the process of your  
17 appointment to the Assistant Dean position or  
18 the terms of that appointment?

19 A. Can you repeat the question?

20 Q. Is it your contention in this  
21 lawsuit that there was something  
22 discriminatory about the process -- I'm going  
23 to break it down -- about the process of your  
24 negotiating the terms of the Assistant Dean  
25 position?

1 - M. BELANGER -

2 A. Yes.

3 Q. On what basis do you believe it was  
4 discriminatory?

5 A. What do you mean by "basis"? Do you  
6 mean protected class?

7 Q. Yes, what protected class?

8 A. Disability.

9 Q. Anything else?

10 A. In the future, certainly it becomes  
11 my gender, sex, nationality.

12 Q. I'm just talking right now about the  
13 negotiation of the terms of your Assistant  
14 Dean position.

15 A. At that time, I believe the  
16 discrimination to be rooted in disability.

17 Q. Is it your contention that there was  
18 anything retaliatory in connection with the  
19 negotiation of that position, the Assistant  
20 Dean position?

21 A. I don't know.

22 Q. Did you believe that the terms of  
23 the Assistant Dean position that you were  
24 offered were discriminatory against you on the  
25 basis of your disability?

1 - M. BELANGER -

2 A. I did.

3 Q. And who do you believe was  
4 discriminating against you on the basis of  
5 your disability at that time?

6 A. Maria Montoya and Joanna Waley-Cohen.

7 Q. What was your disability in December  
8 of 2016?

9 A. I had no disability then.

10 Q. When did you --

11 A. Apart from the ones that I was born  
12 with.

13 Q. Okay. And do you have reason to  
14 believe that Maria Montoya perceived you as a  
15 person with a disability in December of 2016?

16 A. I do not.

17 Q. And what about Joanna Waley-Cohen,  
18 do you have reason to believe that she  
19 perceived you as a person with a disability?

20 A. Not in December 2016.

21 Q. At what point do you believe that  
22 Maria Montoya began to perceive you as a  
23 person with a disability?

24 A. In February of 2017.

25 Q. Same question with respect to Joanna

- M. BELANGER -

Waley-Cohen.

A. February 2017.

Q. What occurred in February 2017, if anything, to make you believe that they had this view of you?

A. I was hospitalized with a low back injury, at which time I spent a week in the hospital and emerged from the hospital in a wheelchair.

Q. And how were you injured?

A. That's a question that doesn't -- doesn't compute.

Q. Was there -- did you fall? Was there an accident? Did you get hit by a car?

A. No.

Q. How did you get injured?

A. It has been described to me by doctors as a noninjury, so I don't -- I can't tell you how I was injured.

Q. Oh, okay. I understand.

So you were hospitalized, you said. For how long were you hospitalized?

A. I believe it was a week.

Q. And then when you were released, you

1 - M. BELANGER -

2 said that you were using a wheelchair. For  
3 how long did you need the wheelchair?

4 A. I don't recall.

5 Q. Was it less than a month?

6 A. Yes, less than a month.

7 Q. Was it less than two weeks?

8 A. I don't recall. There would have  
9 been periods where I relied on different  
10 mobility aids at different times in the months  
11 that followed my injury; wheelchair, walker,  
12 cane.

13 Q. So did you progress from the  
14 wheelchair, to a walker, to a cane? Is that  
15 how it worked?

16 A. I wouldn't call it a progression. I  
17 would call it going between them as necessary.

18 Q. I see. And after that injury --

19 A. It wasn't an injury.

20 Q. I'm sorry. After your -- well, I  
21 think you described it as a low back injury.  
22 But after your hospitalization, when you  
23 required the wheelchair, did you return to  
24 your apartment at that time?

25 A. No, I did not.

1 - M. BELANGER -

2 Q. Where did you go to live?

3 A. In a hotel across from the campus.

4 Q. And who made the arrangements for  
5 that hotel?

6 A. I believe Clay Shirky.

7 Q. And who is Clay Shirky?

8 A. He's an employee of NYU and NYU  
9 Shanghai, or was.

10 Q. And did NYU Shanghai pay for your  
11 hotel room during that period of  
12 convalescence?

13 A. I don't know; I don't remember.

14 Q. Did you take time off from work  
15 after your release from the hospital?

16 A. I did not take a leave.

17 Q. Did you take any time off, sick  
18 time?

19 A. No. I -- I don't -- I actually  
20 don't recall, but I don't think so.

21 Q. Did any of your healthcare providers  
22 suggest that you take time off from work at  
23 that point?

24 A. I don't remember.

25 Q. Did you ask anyone at NYU Shanghai



- M. BELANGER -

about what benefits might be available to you  
as an NYU Shanghai faculty member --

A. I did.

Q. Who did you ask?

A. Sorry, did you have more to add?

Q. That's okay. Who did you ask?

A. Joanna Waley-Cohen was in the room,  
I directed the question to her. I believe  
also Casey Owens was in the room. I don't  
recall whether Maria was there or not, but she  
may have been.

Q. And this was in an in-person meeting?

A. Yes.

Q. Where was the meeting?

A. At NYU Shanghai.

Q. Do you recall, was it in a  
particular person's office?

A. I don't recall the specific  
location. Might have been in the greater  
Provost's office area.

Q. Do you recall when that meeting was?

A. Not with precision, but it was  
following my release from the hospital and my  
return to work.

1 - M. BELANGER -

2 Q. And you said that you were present,  
3 Joanna Waley-Cohen, Casey Owens, and possibly  
4 Maria Montoya, you don't recall. Anybody else  
5 in the room?

6 A. I don't remember anyone else being  
7 present.

8 Q. And what was the substance of that  
9 conversation?

10 A. I don't remember all of what was  
11 discussed, but I do recall asking Joanna what  
12 my rights were with respect to leave or  
13 otherwise, and I remember her shrugging, and I  
14 remember suggesting to her that, in a very  
15 polite way, that my situation might warrant,  
16 you know, figuring out what those rights might  
17 be.

18 Q. Did you reach out to anyone in human  
19 resources?

20 A. I don't recall.

21 Q. But you were familiar with the  
22 individuals who worked in human resources at  
23 NYU Shanghai?

24 A. Yes.

25 Q. Did you ask the Provost if you could

1 - M. BELANGER -

2 take a medical leave?

3 A. I don't recall.

4 Q. Did you ask the Provost for any  
5 other accommodation for your illness? I don't  
6 know what -- you said it wasn't an injury, so  
7 I'm not sure what term you want to use.

8 A. I haven't figured out how to  
9 characterize it either exactly. I did ask for  
10 an accommodation. At some point I asked for a  
11 business class flight back to the United  
12 States.

13 Q. When was that?

14 A. I don't recall the date.

15 Q. Who did you ask for that business  
16 class flight?

17 A. Maria Montoya.

18 Q. Was that in writing or orally?

19 A. It was in email.

20 Q. Did she respond to you by email?

21 A. She did.

22 Q. And what was her response? If you  
23 recall.

24 A. That I needed to provide her with a  
25 doctor's note, essentially.

1 - M. BELANGER -

2 Q. Did you provide that doctor's note?

3 A. I did.

4 Q. Did you get the business class  
5 flight?

6 A. I did.

7 Q. Did you request, at or about that  
8 time in 2017, any other accommodations or  
9 modifications?

10 A. I don't recall.

11 Q. You were given at some point, at  
12 your request, a special desk and chair in  
13 Shanghai; is that correct?

14 A. I don't recall the circumstances of  
15 how that desk and chair came into my  
16 possession. Well, I shouldn't say possession,  
17 but came into my office.

18 Q. When you say you don't recall how it  
19 came into your office, do you recall if you  
20 asked anyone in NYU Shanghai administration  
21 for a --

22 A. I don't recall if I asked anyone in  
23 the administration. I remember speaking to  
24 Helen about it.

25 Q. And what's Helen's last name?

1 - M. BELANGER -

2 A. I forget at this time.

3 Q. What was Helen's role?

4 A. She performed the role of lab  
5 manager. I don't remember her exact title,  
6 but she was responsible for the operations of  
7 the IMA physical space, and also some of the  
8 technology infrastructure and procurement.

9 Q. Going back to the negotiation  
10 relating to the Assistant Dean position and  
11 the terms of that position, you indicated that  
12 you felt that the terms were discriminatory  
13 against you on the basis of disability. In  
14 what way do you feel that the terms that you  
15 were ultimately offered were discriminatory?

16 A. The terms that I was offered were  
17 inconsistent with the terms that had been made  
18 available to me prior to my injury.

19 Q. In what way?

20 A. Noninjury. Whatever we want to  
21 refer to it as.

22 Q. In what way were they inconsistent?

23 A. Duration, the duration was shorter.

24 Q. In what other way do you feel it was  
25 less advantageous?

1 - M. BELANGER -

2 A. I don't recall the specifics. I  
3 would need to see the letter as it existed  
4 before and then after and make a comparison.

5 Q. I'm going to show you -- well, first  
6 let me mark it.

7 MS. FRIEDFEL: I'm going to mark as  
8 Exhibit 5 a document bearing Bates stamp  
9 defendant's 156 to 157, and I'm going to  
10 show it to you.

11 (Defendant's Exhibit 5,  
12 Acceptance/appointment letter, marked for  
13 identification, as of this date.)

14 Q. I'm showing you what's been marked  
15 as Defendant's Exhibit 5. Just let me know  
16 when you want me to scroll down.

17 A. Can you scroll to the top again?

18 Q. Sure.

19 A. Okay.

20 Q. Let me know when you're ready for me  
21 to scroll down, please.

22 A. I will.

23 Okay.

24 Q. Is that your signature where it says  
25 "Accepted and Agreed"?

1 - M. BELANGER -

2 A. It is.

3 Q. And the date that's listed there,  
4 does that indicate that you signed it on  
5 May 2, 2017?

6 A. I don't recall. Date formats differ  
7 between the U.S. and China, as you may be  
8 aware, and I -- I don't -- I can't say right  
9 now whether that means February 5th or whether  
10 that means May 2nd. But I believe it to mean  
11 May 2nd.

12 Q. Well, I've shown you Exhibit 5 with  
13 respect to the appointment. Now, it says,  
14 "This appointment is effective from  
15 September 1, 2016 to May 31, 2019," correct?

16 A. Correct.

17 Q. And then I'm going to show you  
18 Exhibit 4, which says, "for that appointment,  
19 effective from September 1, 2016 to May 31,  
20 2019."

21 So would you agree with me, then,  
22 that it was the same duration?

23 A. The two letters as presented here  
24 appear to be the same duration.

25 Q. So in what way is the May 2nd letter

1 - M. BELANGER -

2 discriminatory?

3 A. In the in-between, that's when the  
4 discriminatory situation occurred.

5 Q. Okay.

6 A. I had to -- I had to work, I guess  
7 you would say, to get back to that May letter  
8 from where they had left me following my  
9 medical condition.

10 Q. But ultimately, it was the same  
11 duration to which they agreed?

12 A. Ultimately.

13 Q. And were your negotiations with the  
14 Provost regarding the Assistant Dean role done  
15 via email -- withdrawn.

16 Were the negotiations done in  
17 writing, orally, both?

18 A. Both.

19 Q. And how many oral conversations  
20 would you say that you had with the Provost  
21 regarding the terms of this appointment?

22 A. At least two.

23 Q. Where was the first one?

24 A. I don't recall necessarily first or  
25 second, but I know that at least one of them



1 - M. BELANGER -

2 occurred in her office.

3 Q. Do you recall where the other one  
4 occurred?

5 A. I believe it was her office, as  
6 well.

7 Q. Who was present during the first  
8 conversation, or the one you recall?

9 A. I believe that only Joanna and I  
10 were present.

11 Q. And for the other conversation, do  
12 you recall who was present?

13 A. I also recall that only Joanna and I  
14 were present.

15 Q. What was said during that meeting?

16 A. We discussed the position as  
17 Assistant Dean. We discussed the extension of  
18 my faculty contract. We discussed that I  
19 would be put forward for promotion for my  
20 faculty line at a future date.

21 Q. As best as you can, can you --

22 A. We discussed, roughly, compensation.  
23 I don't remember nailing down an exact figure  
24 then, but I remember that Joanna threw out a  
25 figure. I don't recall what that figure was.

1 - M. BELANGER -

2 Q. As best as you can recall, what did  
3 you say and what did she say during that  
4 conversation?

5 A. The best that I can recall, I  
6 remember in the first conversation that we  
7 discussed several possibilities. I don't  
8 remember the details exactly, but that she  
9 would get back to me about a more firm  
10 arrangement, and then we met again to discuss  
11 that a second time.

12 Q. Do you recall anything else about  
13 what was said during either of those  
14 conversations?

15 A. We discussed the development of the  
16 Residency Graduate Program. I don't recall  
17 anything else.

18 Q. Did you have any -- withdrawn.  
19 What is the basis for your belief  
20 that your disability was a factor in those  
21 negotiations?

22 A. What is the basis?

23 Q. Yes.

24 A. Following my hospitalization and  
25 dependency on wheelchair, walker, cane, the

1 - M. BELANGER -

2 offer that had been made available to me prior  
3 to the injury -- or noninjury, however we want  
4 to characterize it -- was no longer made  
5 available to me until after I signed, you  
6 know, that offer and put it back.

7 Q. I'm sorry, I don't understand.  
8 After you signed the offer --

9 A. Yes, so --

10 Q. -- what do you mean by that?

11 A. I signed the prior offer and  
12 returned that because what had been presented  
13 to me following my hospitalization was  
14 inconsistent with what had been agreed to  
15 prior to my hospitalization.

16 Q. Did the Provost say anything that  
17 suggested to you that your hospitalization or  
18 need of mobility aids was a factor in the  
19 change of the offer?

20 A. I don't recall.

21 Q. At that time --

22 A. You said the Provost, right?

23 Q. Yes, that was the question.

24 A. I don't recall the Provost saying  
25 anything.

1 - M. BELANGER -

2 Q. Do you recall anyone else in the  
3 Shanghai administration saying anything to  
4 suggest that your disability had an impact on  
5 the negotiations?

6 A. I don't recall.

7 Q. You allege in your complaint that  
8 your fitness to condition your job was  
9 questioned. Was your fitness to continue your  
10 job questioned at any point prior to your  
11 leave in November of 2018?

12 A. Yes.

13 Q. When?

14 A. In an email from Joanna Waley-Cohen  
15 sometime between August of 2018 and September  
16 of 2018, I believe.

17 Q. And is that email among the emails  
18 that you identified as responsive to our  
19 requests, but have not yet produced?

20 A. I'm not sure.

21 Q. Other than that email, was there any  
22 other occasion where anybody said anything to  
23 suggest that you were not fit to do your job?

24 A. I remember an occasion where Joanna  
25 looked at me with great pity for my situation.

1 - M. BELANGER -

2 Q. Any other time?

3 A. Say the question again.

4 Q. Prior to November 2018, did anyone  
5 else at NYU Shanghai say anything that you  
6 found to be discriminatory against you based  
7 on your disability?

8 A. I'm sorry, say one more time.

9 Q. Sure. Prior to November 1, 2018,  
10 did anybody at NYU Shanghai say anything to  
11 you to suggest that they were discriminatory  
12 against you based on your disability?

13 A. I can't recall.

14 Q. Did anyone at NYU Shanghai make any  
15 comments during that same period of time that  
16 were offensive to you on the basis of your  
17 disability?

18 A. What was the period of time again?

19 Q. Prior to November 1, 2018.

20 A. Any what was the -- I'm sorry. Can  
21 you restate the question from the beginning?

22 Q. Sure. Did anyone at NYU Shanghai  
23 make any comments to you prior to November 1,  
24 2018 that you found to be offensive relating  
25 to your disability?

1 - M. BELANGER -

2 A. I found the notion that what I was  
3 being given to sign following my disability to  
4 be offensive in and of itself.

5 Q. Is there anything else?

6 A. No, not that I recall.

7 Q. Did anyone at NYU say anything that  
8 you found to be offensive based on your  
9 disability during your employment at NYU  
10 Shanghai?

11 A. Anyone at NYU?

12 Q. Yes.

13 A. Say the question again.

14 Q. Did anyone employed by NYU make any  
15 comments about your disability that you found  
16 to be offensive?

17 A. Dan O'Sullivan did.

18 Q. When was that?

19 A. In a one-on-one meeting with him. I  
20 don't recall the date.

21 Q. Do you remember the year?

22 A. It was sometime between February of  
23 2017 and November of 2018.

24 Q. Can you be any more specific?

25 A. I'm unable to. I know that he made

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2 a trip to Shanghai at some point during that  
3 time. It should be well documented somewhere.

4 Q. Where were you when this conversation  
5 occurred?

6 A. In my office.

7 Q. Was anybody else present?

8 A. No.

9 Q. What did Mr. O'Sullivan say that you  
10 found to be offensive?

11 A. I don't recall exactly. I just  
12 remember being offended by what he told me.  
13 If you give me a moment to think.

14 Yeah, I don't recall at this time.

15 Q. In your Complaint, you allege that  
16 the Vice Chancellor, Provost, and the Dean of  
17 Arts and Sciences offered you less favorable  
18 employment terms relative to similarly-  
19 situated female colleagues without a disabling  
20 condition. To whom were you referring? Who  
21 are those similarly-situated colleagues?

22 A. Amy Becker and Diane Geng.

23 Q. What was their similarly-situated  
24 position?

25 A. They were both Assistant Deans.

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2 Q. What is the basis of your belief  
3 that they were treated differently than you  
4 based on their gender?

5 A. Can you say the question again?

6 Q. Sure. You allege that you were  
7 being treated differently than these  
8 similarly-situated females, and my question to  
9 you is: Did you believe that they were  
10 treated differently than you because of gender  
11 or sex?

12 A. There certainly seemed to be a  
13 pattern of favoritism of women.

14 Q. What do you mean by that?

15 A. Women were being chosen for roles  
16 that I could not apply to or did not have an  
17 opportunity to seek. It's my understanding  
18 that they received the full amount of their  
19 salary defined in their contract. Further, my  
20 understanding with respect to Amy and Diane is  
21 that they had some form of tuition benefit at  
22 NYU.

23 Q. When you say that women were chosen  
24 for roles that you could not or did not apply  
25 to, are you still referring to Ms. Becker and



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2 Ms. Geng, or are you referring to somebody  
3 else?

4 A. I'm referring to their two  
5 positions.

6 Q. And your --

7 A. I don't recall her name, but there  
8 was another female in the position of  
9 Assistant Dean, and that position, too, seemed  
10 to be of question.

11 Q. What is it that makes you believe  
12 that their gender was a factor in how they  
13 were treated?

14 A. Again, there seemed to be a pattern  
15 of disadvantaging men relative to women that  
16 was occurring.

17 Q. And other than what you've already  
18 mentioned, was there any other way that you  
19 felt that you were disadvantaged as a man?

20 A. Say the question again.

21 Q. Other than the things you've just  
22 mentioned, was there any other way that you  
23 felt that you were or that you contend that  
24 you were disadvantaged during your employment  
25 at NYU Shanghai because you were a man?

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2 A. I mean, I refer you to my Complaint.

3 Q. But your Complaint isn't testimony,  
4 so I'm asking you --

5 A. Okay.

6 Q. -- what ways that you can identify  
7 where you feel you were disadvantaged because  
8 you are a man.

9 A. Again, it's a pattern of treatment  
10 of engagement with Joanna and Maria; the way  
11 in which they engaged with myself and other  
12 males, the treatment of them, the treatment of  
13 me, and the treatment of these females.

14 Q. Are there any other specific ways in  
15 which you felt that these females were treated  
16 better than you?

17 A. Certainly on occasions I felt like  
18 the word of another female colleague was  
19 taken, you know, as a -- as a more favorable  
20 statement over my own or as a -- I'm having  
21 trouble articulating exactly what -- that the  
22 statements of women would be taken without  
23 question, whereas the statements of myself and  
24 other men would be met with skepticism, with  
25 rejection.

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Q. Can you identify any specific examples when that occurred?

A. There was a situation with Aly Rose. At this time I'm having trouble recalling details, but there was certainly a situation there. When in conversation with Maria Montoya, it seemed as though she was, you know, favoring the -- sorry, I'm again struggling to speak. She seemed to exhibit favoritism of Aly with respect to the conversation that was being had over myself.

Q. When did that occur?

A. I don't recall. I don't recall the date.

Q. Do you recall a year?

A. I don't recall the year.

Q. You mentioned that you felt that women were chosen for roles that you couldn't apply for. When you say that, do you mean that the position wasn't posted for general application?

A. That's correct.

Q. Was your Associate Director of IMA a position that was posted for general

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2 application?

3 A. I don't know.

4 Q. Was your position as Assistant Dean  
5 of Emerging Media posted for general  
6 application?

7 A. I don't know.

8 Q. In your production, you produced  
9 various audio recordings. The audio  
10 recordings that you've produced to date, is  
11 that all of the audio recordings you took of  
12 any meetings or conversations in connection  
13 with your employment?

14 A. I'd need to review the documents  
15 that I produced to make sure.

16 Q. Okay. We'd ask that you do that.  
17 What device did you use to record  
18 those conversations?

19 A. My phone.

20 Q. Do the recordings still remain on  
21 your phone?

22 A. They were recorded on a phone that  
23 has since exploded.

24 Q. Okay.

25 A. Yeah. But I managed to recover them

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2 from that phone.

3 Q. Did you tell anyone that you were  
4 recording those conversations?

5 A. I did not.

6 Q. Why didn't you tell the participants  
7 that you were recording them?

8 A. I don't believe that I'm required  
9 to.

10 Q. That wasn't the question. The  
11 question was: Why did you not?

12 A. Because I'm not required to.

13 Q. Why did you record the  
14 conversations?

15 A. I wanted a record.

16 Q. And why did you feel that you needed  
17 a record of those conversations?

18 A. Because based on experience, things  
19 that had been said previously in conversation  
20 were not honored or reflected later on down  
21 the line in writing.

22 Q. In this lawsuit, you're alleging  
23 that you were discriminated against on the  
24 basis of your national origin. What is your  
25 national origin?

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2 A. United States.

3 Q. And who do you believe discriminated  
4 against you on the basis of your national  
5 origin?

6 A. Specifically who?

7 Q. Yes, in connection with your  
8 employment with NYU Shanghai.

9 A. Very likely Daniel Magida, who is  
10 present. Anyone who's responsible for  
11 developing policies or practices which  
12 disadvantage the non-Chinese national  
13 employees of NYU Shanghai.

14 Q. And in what way do you believe  
15 non-Chinese nationals are disadvantaged at NYU  
16 Shanghai?

17 A. We don't --

18 Q. I'm going to withdraw the question  
19 and I'm going to rephrase it. I'm sorry.

20 In what ways do you believe that  
21 you, as a non-Chinese national, were  
22 disadvantaged vis-a-vis the Chinese nationals  
23 at NYU Shanghai?

24 A. We don't receive social insurance  
25 benefits, or I should say I didn't. And my

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2 request for an open term contract was denied.

3 Q. Okay. Any other way?

4 A. At this time, I don't recall, but I  
5 again direct you to the complaint.

6 Q. I just want to make sure I  
7 understand. Your claim is that everyone who  
8 is not a Chinese national was treated one way,  
9 and Chinese nationals were treated a different  
10 way; is that correct?

11 A. That's my understanding.

12 Q. Did anyone ever make any comments  
13 suggesting that there was an animus against  
14 non-Chinese nationals?

15 A. What do you mean by "animus"?

16 Q. Like a prejudice against them or a  
17 negative view of them.

18 A. I mean, I believe the deprivation of  
19 equality is an expression of that.

20 Q. But I'm asking specifically if anyone  
21 made any comments that would suggest that.

22 A. I don't recall.

23 Q. How do you identify in terms of your  
24 race or color?

25 A. I don't know what the proper

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2 terminology is anymore, honestly. I'm a --  
3 I'm an American national of mostly European  
4 decent, whatever that would make me.

5 Q. Do you identify as white?

6 A. Sure.

7 Q. And is it your contention that you  
8 were discriminated against on the basis of  
9 your race?

10 A. Yes, I believe so.

11 Q. How so?

12 A. Again, a pattern of disadvantagement  
13 of white males at NYU Shanghai.

14 Q. Okay. In what way were you  
15 disadvantaged as a white male or because  
16 you're a white male -- actually, I'm going to  
17 separate it.

18 In what ways do you believe you were  
19 disadvantaged because you're white, or of  
20 European descent, as you indicated?

21 A. I'm having difficulty thinking, I'm  
22 sorry. All I can say is that there -- there  
23 appeared to be a pattern of disadvantagement  
24 of white men at NYU Shanghai.

25 Q. Who is the Vice Chancellor of NYU



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Shanghai?

A. Jeffrey Lehman.

Q. To your knowledge, is Jeffrey Lehman a white man?

A. I know him to be one, yes.

Q. The Provost, Joanna Waley-Cohen, what is her race?

A. I assume that she's white, if that's how people are describing themselves these days. I don't know.

Q. Are either Provost Cohen or Vice Chancellor Lehman Chinese nationals?

A. I don't believe so.

Q. And is Maria Montoya a Chinese national?

A. I don't believe so.

THE WITNESS: Can I take a lunch break?

MS. FRIEDFEL: Yes, we can go off the record.

(Discussion held off the record.)

MS. FRIEDFEL: Mr. Belanger, as you testified earlier that there are substantial emails, text messages, and

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2 other documents and records that are  
3 responsive to our discovery demands to  
4 which you responded in writing in August  
5 that you have not yet produced, we are  
6 going to suspend your deposition because  
7 we cannot complete the deposition without  
8 having access to those responsive  
9 documents. So we're going to suspended  
10 deposition now, and we reserve our right  
11 to continue the deposition after we  
12 receive all of the responsive records.

13 THE WITNESS: Okay. I don't  
14 necessarily agree with the characterization  
15 of "substantial," but I don't disagree  
16 with the postponement of further deposition.

17 MS. FRIEDFEL: Okay. Actually,  
18 before we go off the record, in terms of  
19 volume, how many emails that are  
20 responsive do you have in your possession  
21 that need to be produced?

22 THE WITNESS: I'm not sure.

23 MS. FRIEDFEL: And what about with  
24 respect to text messages?

25 THE WITNESS: I'm not sure.

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2 MS. FRIEDFEL: And social media  
3 messages?

4 THE WITNESS: I'm not sure.

5 MS. FRIEDFEL: All right. Let's go  
6 off the record, then. Thank you.

7 THE COURT REPORTER: Did you need  
8 the rough draft?

9 MS. FRIEDFEL: Yeah, actually, if  
10 you could send us a rough, that would be  
11 helpful.

12 THE WITNESS: How am I to receive a  
13 copy?

14 MS. FRIEDFEL: So once I get the  
15 copy of the final transcript, I will send  
16 you a copy. It's electronic, so I can  
17 email it to you.

18 THE WITNESS: Understood. Thank  
19 you.

20 (Time noted: 12:07 p.m.)  
21  
22  
23  
24  
25

A C K N O W L E D G M E N T

STATE OF NEW YORK )

:SS

COUNTY OF )

I, MATTHEW CHARLES BELANGER, hereby  
certify that I have read the transcript of my  
testimony taken under oath in my deposition of  
March 30, 2023; that the transcript is a true,  
complete and correct record of my testimony,  
and that the answers on the record as given by  
me are true and correct.

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MATTHEW CHARLES BELANGER

Signed and subscribed to before  
me, this                      day  
of                                      , 20\_\_.

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Notary Public, State of New York

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C E R T I F I C A T E

STATE OF NEW YORK )

) SS.:

COUNTY OF SUFFOLK )

I, KRISTI CRUZ, a Notary Public  
within and for the State of New York, do  
hereby certify:

That the witness whose deposition  
is hereinbefore set forth, was duly  
sworn by me and that such deposition is  
a true record of the testimony given by  
such witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage; and that I  
am in no way interested in the outcome  
of this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 14th day of  
April 2023.



KRISTI CRUZ

VERITEXT LEGAL SOLUTIONS

DATE OF DEPOSITION: MARCH 30, 2023

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this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires:

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[understand - year]

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[year - zoom]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----x

5 MATTHEW CHARLES BELANGER,  
6 Plaintiff,

7 - against -`

8 NEW YORK UNIVERSITY and NYU  
9 SHANGHAI,

10 Defendants.

11 -----x

12 May 12, 2023

9:30 a.m.

13  
14 CONTINUED DEPOSITION of MATTHEW  
15 CHARLES BELANGER, taken by the Defendants,  
16 pursuant to Notice, held at the remotely  
17 via Zoom videoconference, before Debbie  
18 Zaromatidis, a Shorthand Reporter and  
19 Notary Public of the State of New York.  
20  
21  
22  
23  
24

25 Job No. CS5908233

A P P E A R A N C E S :

MATTHEW CHARLES BELANGER

Appearing Pro Se

447 Broadway

New York, New York

JACKSON LEWIS, PC

Attorneys for Defendants

44 South Broadway

White Plains, New York

BY: SUSAN D. FRIEDFEL, ESQ.

MONICA ZARSKI, ESQ.

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND  
AGREED by and between the Attorneys for  
the respective parties hereto that filing  
and sealing be and the same are hereby  
waived.

IT IS FURTHER STIPULATED AND  
AGREED that all objections except as to  
the form of the question, shall be  
reserved to the time of the trial.

IT IS FURTHER STIPULATED AND  
AGREED that the within examination may be  
signed and sworn to before any notary  
public with the same force and effect as  
though signed and sworn to before this  
Court.

1 BELANGER

2 M A T T H E W C H A R L E S

3 B E L A N G E R,

4 having first been duly sworn by a Notary

5 Public of the State of New York, was

6 examined and testified as follows:

7 CONTINUED EXAMINATION

8 BY MS. FRIEDFEL:

9 Q. Good morning. Mr. Belanger. We  
10 are here to continue your deposition, and  
11 you understand that you are under oath?

12 A. I do.

13 Q. I just want to remind you of  
14 some of the things we went over the last  
15 time. If you need to take a break at any  
16 time, you may just ask. Let me know.  
17 The only thing I would ask is that you not  
18 take a break while a question is pending.  
19 Okay?

20 A. Understood.

21 Q. If you don't understand a  
22 question or you don't hear my question,  
23 just please let me know, and I will try to  
24 repeat it or rephrase it for you. Okay?

25 A. Okay.



1 BELANGER

2 Q. If you respond, I am going to  
3 assume that you understood my question.  
4 Okay?

5 A. Okay.

6 Q. And are you presently under the  
7 influence of any substance that would  
8 affect your ability to understand and  
9 answer my questions today?

10 A. I don't think so.

11 Q. Is there any other reason you  
12 could think of why you would not be able  
13 to understand and answer my questions?

14 A. My anxiety affects my ability to  
15 concentrate and to remember, you know.

16 Q. Well, if at any point you feel  
17 like you need a break to help your  
18 concentration or help with your anxiety,  
19 just let us know, and we can do that.

20 A. Okay.

21 Q. Where are you currently?

22 A. I am in my bedroom.

23 Q. In your home in Massachusetts?

24 A. That is correct.

25 Q. And is anyone with you --

1 BELANGER

2 A. No.

3 Q. -- in the room.

4 And do you have any notes or  
5 documents or anything in front of you?

6 A. No.

7 Q. Any other devices besides the  
8 computer you're using for the Zoom?

9 A. No. Well, I do have a device  
10 that is the Wifi hotspot in case I need  
11 that as a backup for my Internet  
12 connection.

13 Q. Okay. And are you recording  
14 this proceeding?

15 A. No.

16 Q. Did you do anything since the  
17 last session of your deposition to prepare  
18 for today?

19 A. I produced additional documents,  
20 which meant that I went through, you know,  
21 loads of documents.

22 Q. Did you do anything else?

23 A. No.

24 Q. Did you talk with anybody --

25 A. No.

1 BELANGER

2 Q. -- about the deposition.

3 Throughout your employment with  
4 NYU Shanghai, you were compensated by  
5 Shanghai New York University; is that  
6 correct?

7 A. I was compensated by Shanghai  
8 New York University.

9 Q. And were you paid in Chinese  
10 currency?

11 A. I was, yes.

12 Q. You were not paid in U.S.  
13 dollars; is that correct?

14 A. I don't recall if I was ever  
15 paid in U.S. dollars. I don't recall.

16 Q. And have you ever entered into  
17 an employment contract with New York  
18 University?

19 A. I am not sure what you mean by  
20 that.

21 Q. So at the last deposition we  
22 marked a series of contracts that you had  
23 with NYU Shanghai. Do you recall that?

24 A. Okay. I do.

25 Q. Did you ever enter into any such

1 BELANGER

2 contract with New York University as  
3 distinct from NYU Shanghai?

4 A. I am believe that I had an  
5 employment relationship with New York  
6 University.

7 Q. But my question is: Did you  
8 ever sign a contract of employment with  
9 NYU?

10 A. I don't recall.

11 Q. You alleged at some point in  
12 your complaint that you worked as NYU's  
13 New York campus; is that correct?

14 A. I worked at various campuses of  
15 New York University.

16 Q. Which campuses did you work at?

17 A. I worked in New York, in Abu  
18 Dhabi, in all the sites in Europe. I  
19 believe that is it.

20 Q. Okay. And when did you work  
21 in New York?

22 A. I don't recall with specificity.

23 Q. For what period of time?

24 A. I mean, you know, off and on  
25 throughout my employment. So you

1 BELANGER

2 periodically visited the New York campus  
3 during your employment with NYU Shanghai?

4 A. Yes, I was in New York, you  
5 know, often.

6 Q. How do you define often?

7 A. Throughout the nine years that I  
8 worked.

9 Q. Was it once a year?

10 A. No, it would probably be more  
11 than once a year.

12 Q. How many times a year  
13 approximately?

14 A. It varied. I mean obviously  
15 Covid had an affect on my ability to go to  
16 campus for those years. In other years I  
17 am sure it would have been dozens of  
18 times.

19 Q. When you say you're sure it  
20 would have been, do you have any specific  
21 recollection of visits to NYU IN New York?

22 A. I was -- I was frequently at NYU  
23 in New York.

24 Q. Can you provide any more  
25 specificity as to occasions that you would

1 BELANGER

2 have been in New York?

3 A. I mean whenever I would come  
4 back to the United States I -- I often  
5 went to New York.

6 Q. Okay. And for what reason were  
7 you coming back to the states?

8 A. For what reason?

9 Q. Yes.

10 A. I mean multiple reasons. It  
11 was just a part of living in China that  
12 you -- you know, you have a time to come  
13 back to the U.S., And often it was -- you  
14 know, sometimes it was around personal  
15 matters, and sometimes it was around work  
16 matters.

17 Q. And --

18 A. Sometimes it was both  
19 overlapping.

20 Q. Can you identify any instance in  
21 which you were required to be in New York  
22 for business purposes?

23 A. Yes. I worked on a new major  
24 interactive media in business, and that  
25 was approved through the undergraduate

1 BELANGER

2 program committee I believe it is called,  
3 and that committee reviews all academic  
4 programs at the undergraduate level I  
5 guess, and to present the major I needed  
6 to be there to present it.

7 Q. And the IMB major, that was for  
8 a program at NYU Shanghai?

9 A. Yes.

10 Q. For how long -- how long was  
11 that presentation that you gave to the  
12 committee?

13 A. The presentation was no more  
14 than an hour I would guess.

15 Q. And were there other  
16 circumstances where you were required to  
17 be in New York for business purposes?

18 A. The major as it was presented  
19 required approval with various other  
20 parties including Stern, including  
21 Steinhardt, who had similar programs.  
22 Their consent was sought. That required  
23 meeting with people in New York.

24 Q. And was that on the same trip  
25 that you presented to the undergraduate

1 BELANGER

2 program committee?

3 A. I believe it was across multiple  
4 trips. This IMB major was in development  
5 for a long period of time and was delayed  
6 in part because of my condition.

7 Q. Do you have any records that  
8 would indicate when you were required to  
9 be in New York on business for NYU  
10 Shanghai?

11 A. You know, there was  
12 correspondence with various people. I  
13 don't recall the exact substance of those  
14 correspondence --

15 Q. Other than to obtain approval of  
16 the IBM program, were there other  
17 occasions where you had to be in New York?

18 A. Where I had to be in New York?

19 Q. Yes.

20 A. Yes. It was important for me to  
21 evaluate for the purpose of the -- my  
22 students studying away what -- what their  
23 experience would be in New York, what  
24 opportunities they would have at various  
25 programs seeing that in a program where



1 BELANGER

2 the -- the learning happens in a very  
3 hands on way, it is very important to do  
4 that physically.

5 Q. And how many times did you come  
6 to New York for that purpose?

7 A. Repeatedly throughout my time.

8 Q. Can you quantify what  
9 repeatedly means? Twice?

10 A. No. As I said previously,  
11 sometimes I was in New York, you know,  
12 dozens of occasions in a year.

13 Q. That you were required to be in  
14 New York on dozens of occasions?

15 A. Well, what do you mean by  
16 required?

17 Q. I am asking can you identify  
18 other than the -- when you had to  
19 physically be present to present to the  
20 committee and potentially to meet with  
21 folks at Stern or Steinhardt about the IMB  
22 program, were there any other occasions  
23 where you were required to be in New York?

24 A. Required by a person or required  
25 by the circumstances or required how?

1 BELANGER

2 Q. Where some supervisor of yours  
3 said you need to be in New York to present  
4 this or to meet with this person or to do  
5 this thing.

6 A. I don't recall.

7 Q. And how often were you in Abu  
8 Dhabi?

9 A. I was there a few times. At  
10 least two or three.

11 Q. Was there ever an occasion where  
12 you had any extended stay in New York for  
13 business purposes like beyond a week or  
14 so?

15 A. Well, at the time I lived in New  
16 York.

17 Q. When did you live in New York?

18 A. I lived in New York for many  
19 years.

20 Q. Did you live in New York after  
21 August of 2013?

22 A. Yes.

23 Q. When did you live in New York?

24 A. I moved to New York September 1,  
25 2001.

1 BELANGER

2 Q. Let me be more specific. After  
3 August 2013 when you began your employment  
4 with NYU Shanghai, did you ever live in  
5 New York?

6 A. Yes.

7 Q. When?

8 A. I don't recall an exact time  
9 when it stopped, but I had a residence in  
10 New York.

11 Q. Meaning you owned a home in New  
12 York?

13 A. No.

14 Q. You rented a home in New York?

15 A. No.

16 Q. So how did you have a residence  
17 in New York?

18 A. Neither one of those conditions  
19 are required to have a residence  
20 somewhere. You don't need to buy a  
21 property are or rent a property.

22 Q. How did you have a residence in  
23 New York?

24 A. My partner Mary Anne Petite had  
25 an apartment.

1 BELANGER

2 Q. Okay. And did you physically  
3 live in that apartment in New York?

4 A. Yes.

5 Q. For what period of time?

6 A. Again, I don't recall an exact  
7 period when that ended.

8 Q. When did it start?

9 A. Sometime after 2003 or  
10 sometime -- yes, sometime after 2003.

11 Q. And in 2013 you moved to China  
12 to teach at NYU Shanghai, right?

13 A. Say it again.

14 Q. In 2013 you moved to China to  
15 work at NYU Shanghai?

16 A. Yes.

17 Q. And did you move back to the  
18 United States at some point?

19 A. I mean I've owned a property in  
20 Massachusetts --

21 Q. I am not asking about what  
22 property you owned. I am not asking  
23 about what apartments you had access to.  
24 I am trying to understand where you were  
25 physically.

1 BELANGER

2 So at any point in time from  
3 August 2013 to your resignation from NYU  
4 Shanghai in May of 2022, did you  
5 day-to-day live --

6 A. Excuse me/, I did not resign  
7 from NYU Shanghai.

8 Q. Okay. Let me just talk about  
9 the timeframe. From August of 2013 to May  
10 of 2022, were there any periods of time  
11 where your physical person was living in  
12 New York?

13 A. Yes.

14 Q. Okay. When?

15 A. I mean whenever I would return  
16 from China.

17 Q. Do you understand the  
18 distinction between living somewhere and  
19 visiting somewhere?

20 A. I understand that I maintained  
21 an apartment in -- in New York through my  
22 partnership with Mary Anne Petite.

23 Q. When did your partnership with  
24 Mary Anne Petite end?

25 A. In November of last year.

1 BELANGER

2 Q. November of 2022?

3 A. Yes.

4 Q. Okay. And how many times were  
5 you in the apartment in New York for more  
6 than a week between --

7 A. There is no way I can answer  
8 that question. We are talking about ten  
9 years, and I mean I --

10 Q. You are not answering -- the  
11 thing is you didn't live in the apartment  
12 in New York. Right? You didn't --

13 A. Of course I did. I had  
14 possessions there. I mean --

15 Q. Did you sleep there?

16 A. Of course.

17 Q. How many nights did you sleep  
18 there?

19 A. Of course I slept there. It  
20 was my home.

21 Q. When you were teaching in  
22 Shanghai, were you physically in Shanghai?

23 A. I was physically in Shanghai.

24 Q. Okay.

25 A. Sometimes.

1 BELANGER

2 Q. You were never -- did you ever  
3 teach from New York?

4 A. I don't recall.

5 Q. Did you have an office in New  
6 York?

7 A. I did not have an official  
8 office in New York, no. I mean apart  
9 from the one in my apartment.

10 Q. When we spoke last we talked  
11 about the fact that you had been  
12 hospitalized in February of 2017 due to a  
13 problem with your back.

14 At that point in time did any of  
15 your healthcare providers direct you to  
16 not work?

17 A. Not to work. I don't believe  
18 so.

19 Q. Okay. Did any of them direct  
20 you to reduce your work effort or modify  
21 your work?

22 A. Modify my work, yes. They  
23 encouraged me to sit less.

24 Q. Okay. Did they ask you to  
25 modify your work in any other way?

1 BELANGER

2 A. They encouraged me to take  
3 breaks, get up, walk around, to engage in  
4 physical therapy and physical activities  
5 intermittently throughout the day,  
6 stretching, exercising.

7 Q. And you had a standup desk in  
8 your office at NYU Shanghai for that  
9 purpose?

10 A. I had a desk that could convert  
11 from sitting to standing.

12 Q. In April of 2017, did you  
13 discuss promotion -- your promotion from  
14 assistant to associate professor with  
15 Maria Montoya?

16 A. Say that again.

17 Q. In April of 2017, did you  
18 discuss the idea of your promotion from  
19 assistant to associate professor?

20 A. April of 2017. Yes, I believe  
21 so.

22 Q. And Ms. Montoya was supportive  
23 of you seeking a promotion at that point?

24 A. I don't know if she was  
25 supportive. I was eligible for promotion.



1 BELANGER

2 Q. She encouraged you to seek  
3 promotion?

4 A. I don't know if she encouraged  
5 me or basically tried to require me to do  
6 it at that time.

7 Q. Okay. And did you pursue that  
8 application for promotion at that time?

9 A. I did not because it was in  
10 conflict with several things.

11 Q. So you didn't pursue promotion  
12 in April 2017?

13 A. I didn't.

14 Q. Okay. And are you contending  
15 that there was something discriminatory or  
16 retaliatory about the fact that you didn't  
17 pursue promotion at that time?

18 A. Say that again.

19 Q. Are you alleging that there is  
20 something discriminatory or retaliatory  
21 about the circumstances around you not  
22 applying for promotion in April of 2017?

23 A. I mean if I can, I object to  
24 this question. I feel like it is trying  
25 to lead me in a specific way.

1 BELANGER

2 Q. You can object to the question,  
3 but you still have to answer it.

4 A. Say it again.

5 Q. Okay.

6 With respect to the discussions  
7 around promotion in the spring of 2017,  
8 are you claiming that anything  
9 discriminatory or retaliatory occurred?

10 A. With respect to conversations  
11 around promotion, I mean I believe that I  
12 expressed that I -- I couldn't do it then  
13 or that I needed more time under the  
14 circumstances, and that didn't -- that  
15 didn't seem to be granted until I signed  
16 the previous offer letter, and then  
17 Montoya came to the negotiating table --  
18 excuse me. That is my e-mail. I am  
19 just going to close out of the e-mail.

20 Q. Okay.

21 A. Okay.

22 Q. The administration cannot  
23 require a faculty member to go up for  
24 promotion, can it?

25 MS. FRIEDFEL: I am going to

1 BELANGER

2 withdraw the question.

3 Q. Nobody required you to go up for  
4 promotion at that time in 2017; is that  
5 correct?

6 A. Nobody required me to? I believe  
7 that they were required me to until I  
8 signed the prior offer letter.

9 Q. In what way did they require you  
10 to?

11 A. They were requiring me to.

12 Q. Who --

13 A. Montoya was insisting that I do  
14 this, that I do this process at that time.  
15 She was requiring it.

16 Q. You ultimately didn't --

17 A. When I signed the previous offer  
18 letter.

19 Q. You are referring to the offer  
20 letter for the assistant dean of emerging  
21 media position?

22 A. There were two offer letters.  
23 Well, there were multiple offer letters I  
24 should say including one for my teaching  
25 and one for my administrative appointment.

1 BELANGER

2 Q. Right. And at some point in  
3 time did somebody tell you that there was  
4 going to be some consequence if you did  
5 not apply for promotion from assistant to  
6 associate professor?

7 A. The implication certainly was  
8 that my contract would expire, and I would  
9 be out of a job.

10 Q. But your contract was not  
11 expiring at that time? You were not up for  
12 renewal of your contract at that time,  
13 correct?

14 A. That was my understanding that  
15 that is what they were doing.

16 Q. I'm sorry. You froze, and I  
17 didn't hear what you said.

18 A. It was my understanding that  
19 that is what they were doing to me.

20 Q. And what was basis of that  
21 understanding?

22 A. Because of the circumstances,  
23 because of their words.

24 Q. And whose words?

25 A. Montoya and Willy Cohen.

1 BELANGER

2 Q. And what did she say -- one at a  
3 time. What did Montoya say?

4 A. It is in e-mail. I don't have  
5 it engrained in my memory, but --

6 Q. So all communications with  
7 Montoya about this topic that you are  
8 referring to are via e-mail?

9 A. No. We did have face-to-face  
10 conversations about it as well on at least  
11 two or three occasions.

12 Q. And what did Maria Montoya say  
13 during those face-to-face communications  
14 that you felt was somehow requiring you to  
15 apply for a promotion or else your  
16 contract was not going to be renewed?

17 A. I mean those -- those are  
18 the -- that is the takeaway from what was  
19 being said to me. That is all I can say.  
20 Both in e-mail and to my face that I  
21 needed to do this.

22 Q. But you made clear --

23 A. It felt like a requirement.

24 Q. Ultimately you were not required  
25 to apply for promotion at that time; is

1 BELANGER

2 that correct?

3 A. That is correct.

4 Q. Your contract came up for  
5 renewal. It was to expire at the -- in  
6 2019; is that right?

7 A. Which contract and what time are  
8 we talking about?

9 Q. If you look in Exhibit Share at  
10 Exhibit 3, what we marked previously.

11 A. Exhibit 3?

12 Q. Yes.

13 A. So we are talking about Matthew  
14 Charles Belanger\_3 and then a series of  
15 numbers?

16 Q. Correct.

17 A. I have that document open.

18 Q. You are a step ahead of me  
19 because mine is still downloading. It is  
20 taking forever.

21 I am going to scroll down to  
22 page 3 where your 2015 contract appears.  
23 We just talked about the letters that you  
24 signed in 2017, that amendment. Here it  
25 is. It is page 42 of Exhibit 3 is the

1 BELANGER

2 amendment letter to your 2015 offer, which  
3 says that your term of appointment --

4 A. 42?

5 Q. Yes, page 42 of the exhibit.

6 A. It is loading. I am on page  
7 42.

8 Q. Do you see where it says that  
9 your appointment was extended to May 31,  
10 2019?

11 A. No. Maybe I should look at 41.

12 Q. No, there is -- do you see the  
13 Bates stamp at the bottom of the page that  
14 says Defendants 226?

15 A. No. I see Defendants 179. Am  
16 I on the wrong page?

17 Q. The following page. It is the  
18 next page.

19 A. Okay. Got it.

20 Q. So your appointment was due to  
21 expire May 31, 2019, correct?

22 A. This is after.

23 Q. Right as of April 28, 2017 your  
24 appointment was due to expire May 31,  
25 2019; is that correct?

1 BELANGER

2 A. These conversations were  
3 happening before that.

4 Q. I am not talking about  
5 conversations any more. I have moved on.  
6 My question as of April 28, 2017 your  
7 appointment was due to expire on May 31,  
8 2019, correct?

9 A. I don't recall when this letter  
10 was signed.

11 Q. Well --

12 A. Clearly it was issued. Let me  
13 see here.

14 Q. Scroll down. I guess it was  
15 dated May 2 you signed it, 2017. So you  
16 want to say as of May 2?

17 A. Yes, I believe we discussed that  
18 date format last time. It was done in --  
19 in the Chinese convention, which has the  
20 date and then the year.

21 Q. Right. Okay. So  
22 you -- pursuant to NYU Shanghai  
23 procedures, you were required to seek  
24 renewal of your contract in -- in the  
25 early part of 2018; is that correct?



1 BELANGER

2 A. I was required then. Yes.

3 Q. Okay. And you submitted a  
4 request for renewal, correct?

5 A. I submitted what I believed was  
6 a docket that was going to be used in  
7 consideration for a promotion.

8 Q. And what was the basis of your  
9 belief that it was going to be used in  
10 consideration for a promotion?

11 A. Because on many occasions it had  
12 been suggested to me that I was going to  
13 be considered for promotion by both the  
14 provost and the dean. That was the  
15 nature of every conversation that we had  
16 about my status between 2016 and 20 -- and  
17 whenever the docket was submitted.

18 Q. Okay. In connection with that  
19 submission, did you make any written  
20 request that that docket or application be  
21 considered for promotion?

22 A. I don't recall.

23 Q. And you were reviewed for  
24 renewal at that point in your renewal, and  
25 your renewal was approved; is that

1 BELANGER

2 correct?

3 A. That is correct.

4 Q. And you were not reviewed for  
5 promotion at that time; is that correct?

6 A. I don't know, but that is my  
7 understanding.

8 Q. If you had been reviewed and  
9 approved for promotion in spring 2018,  
10 that promotion would have gone into affect  
11 with your 2019 contract renewal, correct?

12 A. I believe so.

13 Q. And is it your contention that  
14 there was something discriminatory about  
15 the fact that you were not reviewed for  
16 promotion in spring 2018?

17 A. Certainly retaliatory and likely  
18 discriminatory.

19 Q. Okay. And what is the factual  
20 basis for your belief that there was  
21 something retaliatory about the failure to  
22 review you for promotion?

23 A. I had accused Montoya of  
24 discrimination previously.

25 Q. When did you first accuse

1 BELANGER

2 Montoya -- Dean Montoya of discrimination?

3 A. When she provided an offer  
4 letter to me that was inconsistent to what  
5 had been agreed to prior to my  
6 injury -- not injury. Condition.

7 Q. And that was in or about March  
8 of 2017?

9 A. It would have been, yes, around  
10 that time period, March and April into May  
11 potentially.

12 Q. Did you accuse Dean Montoya of  
13 discrimination at any point between that  
14 March, April, potentially May period of  
15 2017 and the promotion review in spring of  
16 2018?

17 A. I may have.

18 Q. You don't specifically recall?

19 A. I mean I recall expressing that  
20 to her on multiple occasions. I don't  
21 remember the exact dates.

22 Q. Did anybody say or do anything  
23 that would or that did suggest to you that  
24 the fact that you were not renewed  
25 for -- I'm sorry -- reviewed for promotion

1 BELANGER

2 was connected to the allegations of  
3 discrimination you had made against Dean  
4 Montoya?

5 A. Say that again.

6 Q. Sure.

7 Did anyone say or do anything  
8 that suggested to you that the fact that  
9 you were not reviewed for promotion was  
10 connected in some way to your allegations  
11 of discrimination against Dean Montoya?

12 A. Did anyone say it to me?

13 Q. Yes.

14 A. I am not sure if I -- if I  
15 understand. Can you say it one more  
16 time?

17 Q. Did anyone say anything to you  
18 that suggested to you that you were not  
19 reviewed for promotion in the spring of  
20 2018 because you had made a complaint or  
21 allegation of discrimination against Dean  
22 Montoya?

23 A. I don't recall.

24 Q. Did Dean Montoya say anything  
25 that suggested to you that there was a

1 BELANGER

2 connection between your allegations of  
3 discrimination and the fact that you were  
4 not reviewed for promotion?

5 A. I don't recall.

6 Q. You said that there was a  
7 possibility that it was discriminatory.

8 What is the basis for your  
9 belief that there was something  
10 discriminatory about the fact that you  
11 were not reviewed for promotion?

12 A. My health condition was ongoing  
13 and certainly well known to the  
14 leadership. Again, I outlined earlier  
15 that it was the basis for some delay in  
16 the approval process of the IBM major,  
17 and, yes, at a certain point, and I don't  
18 recall the date, but the provost did  
19 question my fitness. So clearly it was  
20 something that they had in their heads or  
21 she did.

22 Q. You said that your health  
23 condition was the basis for the delay in  
24 the approval process for IMB. What do  
25 you mean by that?

1 BELANGER

2 A. I don't recall the specifics  
3 without reviewing the e-mails in greater  
4 detail, but the major was at a certain  
5 point in its approval process when my  
6 condition occurred and staying on top of  
7 the important day-to-day obligations of  
8 running the existing program were a  
9 challenge to me, but I was doing it, and  
10 the result of that was that, you know,  
11 some things had to be back-burner'd.  
12 Some things had to be deprioritized.

13 Q. Did anyone say or do anything to  
14 suggest that there was some animus against  
15 you as a result of you needing to make  
16 some -- to deprioritize certain things  
17 because of your condition?

18 A. I did feel as though I became  
19 increasingly criticized by Dean Montoya  
20 particularly following my condition  
21 developing and my assertion that she was  
22 discriminating against me sometimes  
23 subtle, sometimes less subtle but over the  
24 course of the time between then, you  
25 know -- the period where that contract was

1 BELANGER

2 being finalized and the next  
3 reappointment.

4 Q. When you say that contract,  
5 which contract are you referring to?

6 A. The one from 2017.

7 Q. What did Dean Montoya say to you  
8 to make you feel increasingly criticized?

9 A. Again, I would have to review  
10 the e-mails, but, you know, there were a  
11 number of occasions where I felt like I  
12 was being unfairly criticized.

13 Q. Can you give me any examples?

14 A. Again, I don't recall the timing  
15 of these things. This seems to keep  
16 coming up. There was an episode with  
17 Ally Rose, who was a student, flying a  
18 drone near Hong Kong Airport, and I had a  
19 conversation with Ally about that, which  
20 became a small disagreement, and I am not  
21 sure how Dean Montoya knew or found out  
22 about that, but she criticized me for  
23 talking to Ally Rose. So --

24 Q. She criticized you for the  
25 manner in which you spoke with Ally Rose?

1 BELANGER

2 A. I don't recall if it was the  
3 manner or the substance. You know, there  
4 were other occasions where, you know, the  
5 dean accused me of trying to go around her  
6 authority. There were times when it --  
7 you know, she expressed other criticisms  
8 of me.

9 Q. And --

10 A. Again, sometimes subtle,  
11 sometimes less subtle.

12 Q. Do you recall what Dean Montoya  
13 said to you about your disagreement with  
14 Ally Rose?

15 A. I might need some time to  
16 reflect on that.

17 Q. You said that Dean Montoya  
18 accused you of going around --

19 A. The topic is definitely  
20 triggering my anxiety, so --

21 Q. You said that the dean accused  
22 you of going around her authority. When  
23 did she accuse you of that?

24 A. There was an episode where some  
25 personnel in human resources, and I don't



1 BELANGER

2 recall exactly who -- it might have been  
3 Bradley Domangue or there may have been  
4 someone else, deferred to Jeff Lehman on a  
5 decision that I had asked them about, and  
6 I contacted Jeff as was common for me to  
7 do, and when Montoya found out that I had  
8 contacted Jeff and not her even though HR  
9 had instructed me to contact Jeff  
10 she -- she did not like that.

11 Q. Any other examples of this  
12 increasing criticism?

13 A. There are many in e-mail, but  
14 again I don't -- I can't -- I would need  
15 some time to reflect on them and think  
16 about -- think about it.

17 Q. And you alleged that the provost  
18 at some point questioned your fitness.  
19 That is provost Waley-Cohen, correct?

20 A. That's correct.

21 Q. And when -- I'm sorry. Not  
22 when.

23 Did that occur in writing or was  
24 it or orally?

25 A. It was in e-mail.

1 BELANGER

2 Q. Do you know approximately when?

3 A. I believe that occurred in  
4 August or September of 2018. It could  
5 have even been October.

6 Q. Okay. Are you aware of any  
7 other faculty who in the spring of 2018  
8 submitted a packet for review without  
9 expressly --

10 MS. FRIEDFEL: Withdrawn.

11 Q. Are you aware of any other  
12 faculty in spring of 2018 that submitted a  
13 packet which they thought was going to be  
14 reviewed for promotion but was not?

15 A. Dan Mikesell I know.

16 Q. Anybody else?

17 A. What was the time period again?

18 Q. In spring of 2018.

19 A. I can't think of anyone else off  
20 the top of my head.

21 Q. You raised the failure to  
22 consider you for promotion with Dean  
23 Montoya at that time; is that correct?  
24 That is spring of 2018 when you are  
25 reviewed but not promoted?

1 BELANGER

2 A. I raised that with her, yes.

3 Q. Youd did, and Dean Montoya  
4 requested that you file for promotion in  
5 fall of 2018 or spring 2019, correct?

6 A. I don't recall.

7 MS. FRIEDFEL: I am going to  
8 mark as Exhibit 6 I believe we are up  
9 to an e-mail dated June 5, 2018. If  
10 I do this correctly, it should show  
11 up in the marked exhibits file as  
12 Exhibit 6.

13 (Defendants' Exhibit 6 marked  
14 for identification.)

15 Q. Do you recognize this e-mail?

16 A. I don't. What do I need to do?  
17 Do I need to go to Exhibit Share?

18 Q. Yes, in Exhibit Share under  
19 marked exhibits it should be there as  
20 Exhibit 6.

21 A. I see 1 through 5. I still  
22 don't see it, and I did a force refresh.

23 Q. Okay. So I am going to try to  
24 share my screen. Let's see how this  
25 goes.

1 BELANGER

2 Can you see my screen? Do you  
3 see Exhibit 6?

4 A. I do. I don't -- okay. I see  
5 Exhibit 6. Yes.

6 Q. So if you look down at the  
7 bottom -- let me first identify it. At  
8 the top you see that this was an e-mail  
9 sent from Maria Montoya to you on June 25,  
10 2018?

11 A. I see from Maria Montoya, and I  
12 see date June 5, 2018.

13 Q. To Matthew Belanger.

14 A. Yes.

15 Q. Okay. And if you look at the  
16 bottom of this paragraph that I am going  
17 to try to highlight here Dean Montoya says  
18 if you want to put yourself up for  
19 promotion in fall of 2018 or spring of  
20 2019, correct?

21 A. Yes. Correct as to what?

22 Q. That she suggests to you that  
23 you could put yourself up for promotion in  
24 fall of '18 or spring of '19?

25 A. What she seems to be expressing

1 BELANGER

2 is that I develop a set of guidelines, and  
3 that I can then -- that she will then  
4 review, and then once those standards are  
5 agreed to I can apply for promotion. She  
6 doesn't suggest when I can apply for  
7 promotion but just based on the acceptance  
8 or approval of those standards.

9 Q. Okay. If you look up above  
10 here, she says, "I would suggest that you  
11 now put yourself up for early promotion in  
12 fall of 2018 or spring 2019. The  
13 promotion to associate if it goes through  
14 will begin in spring of 2019 with your new  
15 contract." Right?

16 A. She says "I would suggest that  
17 you now put yourself up for early  
18 promotion in fall 2018 or spring 2019.  
19 The promotion to associate if it goes  
20 through will begin in spring 2019 with  
21 your new contract."

22 Q. Okay. And did you at any point  
23 in the fall of 2018 or the spring of 2019  
24 submit a request or an application for  
25 promotion from assistant to associate?

1 BELANGER

2 A. I did not.

3 Q. Why not?

4 A. A lot of things happened in  
5 between there. One of which is that the  
6 guidelines that were submitted were just,  
7 you know, in limbo perpetually. So I am  
8 not sure. You would have to ask the  
9 powers that be what happened there, but  
10 also Dean Montoya suggested that I hadn't  
11 been put forward for promotion under the  
12 existing guidelines because of a clerical  
13 error.

14 Q. Okay. And she suggested to you  
15 that that clerical error could be  
16 corrected if you just submitted your  
17 packet for review?

18 A. No, she did not.

19 Q. She did not suggest to you that  
20 you should resubmit your packet for  
21 review?

22 A. She suggested that the clerical  
23 error could be corrected without my need  
24 to go through the process of evaluation  
25 again. That is what she suggested.

1 BELANGER

2 Q. When did she suggest that to  
3 you?

4 A. In a meeting that I had with  
5 her.

6 Q. And who else was present at that  
7 meeting?

8 A. I don't believe anyone else was  
9 present, but the meeting was recorded and  
10 provided to me -- and provided to you by  
11 me.

12 Q. So if I understand you  
13 correctly, you're saying that her comments  
14 to that affect are part of the recording?

15 A. Yes.

16 Q. You at some point elected to  
17 grieve the lack of review for promotion;  
18 is that right?

19 A. I tried.

20 Q. And Dean Montoya met with you  
21 for the informal resolution step of that  
22 process?

23 A. She did. I believe that is the  
24 meeting that was recorded, one of the  
25 meetings -- one of the recorded meetings

1 BELANGER

2 that I provided to you.

3 Can we take a break?

4 Q. I was going to suggest that.

5 Why don't we break a now.

6 (Recess taken.)

7 MS. FRIEDFEL: Back on the  
8 record.

9 I am going to mark as Exhibit 7  
10 or at least I am going to attempt to  
11 a document that is Bates stamped  
12 Defendants 10052 to 10053, and  
13 hopefully it should be in Exhibit  
14 Share. If it is not, I will share  
15 my screen again.

16 (Defendants' Exhibit 7 marked  
17 for identification.)

18 Q. It is Exhibit 7 in Exhibit Share  
19 if you go in the marked exhibits folder.

20 A. Maybe be I am in the wrong  
21 place. I am in home and then -- yes. I see  
22 it.

23 Q. So if you look at Exhibit 7, you  
24 see the original e-mail dated October 30,  
25 2018 at 1:07 p.m.



1 BELANGER

2 A. Say that again. I'm sorry.

3 Q. There is a forward, but the  
4 original e-mail was dated October 30, 2018  
5 at 1:07 p.m. from Maria Montoya to you  
6 with a copy to Joanna Waley-Cohen.

7 Did you receive this?

8 A. Say it again.

9 Q. Did you receive this e-mail from  
10 Maria Montoya on or about October 30,  
11 2018?

12 A. Let me read it.

13 (Pause.)

14 Q. Please tell me when you are  
15 finished reading it.

16 A. I will.

17 (Pause.)

18 A. I finished reading it.

19 Q. Did you receive that e-mail on  
20 or about October 30?

21 A. I believe so.

22 Q. And did you take any of the  
23 steps outlined in the e-mail?

24 A. I tried.

25 Q. And when did you try?

1 BELANGER

2 A. Throughout the time from that  
3 point forward.

4 Q. Did you ever make a request to  
5 --

6 MS. FRIEDFEL: Withdrawn.

7 Q. Did you resubmit your file via  
8 interfolio for promotion review?

9 A. My understanding is the file was  
10 already there.

11 Q. Did you request that it be  
12 reviewed for promotion purposes?

13 A. Yes.

14 Q. And to whom did you make that  
15 request?

16 A. I believe I made it to Maria and  
17 possibly also Christian.

18 Q. When did you make that request?

19 A. I don't recall.

20 Q. Did you make it in writing?

21 A. I believe so.

22 Q. Was it via e-mail?

23 A. I believe so.

24 Q. Do you have a copy of that  
25 e-mail?

1 BELANGER

2 A. If I do, it was provided to you,  
3 and I am sure you have access to it.

4 Q. We don't need to look at that  
5 exhibit any more.

6 A. I know that I asked on multiple  
7 occasions to be promoted under the Tisch  
8 guidelines.

9 Q. And do you recall when you made  
10 those requests?

11 A. I don't recall, But following  
12 this letter. Following this letter,  
13 e-mail.

14 Q. Were all those requests in  
15 writing?

16 A. I don't know if all of those  
17 requests were in writing.

18 Can we go off the record for one  
19 be second.

20 Q. Yes.

21 (Discussion held off the  
22 record.)

23 MS. FRIEDFEL: Back on the  
24 record.

25 Q. What is the IMA Low Res graduate

1 BELANGER

2 program?

3 A. What is it?

4 Q. Yes.

5 A. It is the IMA Low Res the  
6 graduate program. It was a graduate  
7 program that was conceived of by myself  
8 and Mary Anne Petite. It was --

9 Q. Is it --

10 A. Go ahead.

11 Q. I'm sorry. I will just ask a  
12 more specific question. Is it a joint  
13 program between NYU and NYU Shanghai?

14 A. I don't know the specific behind  
15 the scenes details at this time. I mean  
16 I -- I know some details about how it was  
17 developed, but I don't know in practice  
18 what it has become.

19 Q. Okay. As far as you are aware,  
20 was the intention for to be a joint  
21 program between NYU and NYU Shanghai?

22 A. I am aware that there was some  
23 debate about that, whether it should be  
24 based in New York or a joint program.

25 Q. Okay. And did you have

1 BELANGER

2 discussions in the spring of 2018 with  
3 provost Joanna Waley-Cohen about the  
4 possibility of your leading the IMA Low  
5 Res graduate program?

6 A. When was the date?

7 Q. It was on or about May 7, 2018.

8 A. I don't recall.

9 MS. FRIEDFEL: I am going to  
10 introduce as Exhibit No. 8 an e-mail  
11 bearing Bates stamp Defendants 8331.

12 (Defendants' Exhibit 8 marked  
13 for identification.)

14 Q. Do you see that document, Mr.  
15 Belanger?

16 A. Yes.

17 Q. And you received that e-mail on  
18 or about May 7?

19 A. It looks like it.

20 Q. Thereafter you had ongoing  
21 negotiations with Provost Waley-Cohen and  
22 Dan O'Sullivan about --

23 A. I was reading the e-mail. Do  
24 you mind if I finish before we continue?

25 Q. I am actually not asking you any

1 BELANGER

2 questions about the e-mail specifically.

3 I just wanted to confirm that you sent it.

4 A. Okay.

5 Q. So from this point forward

6 though you had some ongoing negotiations

7 with Provost Waley-Cohen and Daniel

8 O'Sullivan about the possibility of you

9 leading the program; is that correct?

10 A. Primarily with Dan O.

11 Q. Okay. And you were given an

12 offer to be the codirector of the program;

13 is that correct?

14 A. That is correct.

15 Q. And you turned down that offer,

16 right?

17 A. I did. I put forward a

18 counteroffer.

19 Q. You did. Okay.

20 MS. FRIEDFEL: I am going to

21 mark as the next exhibit another set

22 of e-mail correspondence as Exhibit

23 9. It is Bates stamped Defendants

24 8532 to 8533.

25 (Defendants' Exhibit 9 marked

1 BELANGER

2 for identification.)

3 Q. I am just going to ask you to  
4 take a look at that e-mail if you want to  
5 read it and let me know when you are  
6 finished reading it.

7 A. Sorry. Can you say again the  
8 number?

9 Q. It is Exhibit 9.

10 A. Okay. Should I read this?

11 Q. Yes.

12 (Pause.)

13 A. Okay.

14 Q. Did you send and receive these  
15 e-mails as indicated in the document we  
16 have marked as Exhibit 9?

17 A. I believe so.

18 Q. Okay. And did you ever propose  
19 or make a counterproposal in response to  
20 this message?

21 A. I believe so.

22 Q. What did you propose in response  
23 to this message?

24 A. I don't recall with specificity.

25 Q. Was the response by e-mail?

1 BELANGER

2 A. I had e-mail and Skype  
3 conversations with Dan O and/or Joanna  
4 until the negotiations concluded.

5 Q. I have not been able to identify  
6 an e-mail, at least a response to this  
7 e-mail.

8 So when in your mind did the  
9 negotiations conclude?

10 A. I would need to look through my  
11 e-mails to make that determination.

12 Q. So you don't recall right now?

13 A. I do not.

14 Q. And you don't recall what you  
15 proposed in response to this message from  
16 Provost Waley-Cohen?

17 A. I know that at some point I  
18 proposed that I would be the director out  
19 of New York.

20 Q. You did. Okay.

21 A. Yes. Whether it was before or  
22 after that I can't recall at this moment.

23 MS. FRIEDFEL: I am going to  
24 mark as the next exhibit Exhibit 10.  
25 This is an e-mail that is dated -- it



1 BELANGER

2 is a chain. The most recent e-mail  
3 is dated May 26, 2018. It is Bates  
4 stamped defendants 8684 to 8691.

5 (Defendants' Exhibit 10 marked  
6 for identification.)

7 A. Excuse me. Let me -- my door is  
8 squeaky, so I am going to take care of  
9 that.

10 Q. Okay.

11 (Pause.)

12 Q. So this is an e-mail chain. I  
13 don't know that for purposes of my  
14 question you need to read the entire  
15 e-mail. Though if you feel that you need  
16 to, just let me know, but if you look --  
17 actually why don't you start reading it,  
18 and then I'll draw your attention to the  
19 parts where --

20 A. This is Exhibit 10?

21 Q. Yes. I am just going to direct  
22 your attention to the last line on page  
23 8685. Do you see that?

24 A. Which line?

25 Q. The very last line on page --

1 BELANGER

2 A. 8685?

3 Q. Yes.

4 A. Yes.

5 Q. Do you see where it says where  
6 you wrote "I am not sure what about my  
7 e-mail gave the impression that I wasn't  
8 willing to stay in Shanghai."

9 A. I see that.

10 Q. And are you saying that at some  
11 point after this you made some request to  
12 be in New York?

13 A. I don't know whether it was  
14 before or after, but I did make a request  
15 to have the directorship position out of  
16 New York and based in New York. That  
17 does not necessarily or even at all  
18 suggest that I wasn't willing to be in  
19 Shanghai. I mean the Low Res occurred in  
20 New York and Shanghai from a teaching  
21 perspective, from an academic perspective.  
22 So of course it would require some  
23 presence in Shanghai. I can't recall,  
24 but the program as it was conceptualized  
25 may have been intended to initially start

1 BELANGER

2 in Shanghai, but for Covid I think may  
3 have changed the plans, but I don't know.

4 Q. Was there ever a time where you  
5 were told that you could not -- that the  
6 position could not be in New York?

7 A. I asked Dan O, and he said no.

8 Q. When did you ask him?

9 A. During these negotiations.

10 Q. Is that in e-mail?

11 A. I believe it was in an e-mail.  
12 It was probably also on Skype.

13 Q. Is it your contention that the  
14 breakdown in the negotiations --

15 MS. FRIEDFEL: Withdrawn.

16 Q. Is it your contention that  
17 your -- you were somehow discriminated  
18 against or retaliated against in  
19 connection with those negotiations over  
20 the Low Res directorship?

21 A. Yes.

22 Q. And in what way did you believe  
23 that you were discriminated against?

24 A. The -- the position as it was  
25 offered to me was a co-directorship when I

1 BELANGER

2 know that it was conceived as a  
3 directorship and was ultimately awarded as  
4 a directorship.

5 Q. And --

6 A. And also, you know, the position  
7 as it was offered to me was out of  
8 Shanghai exclusively and for one year.

9 Q. And is there anything else about  
10 that offer that you feel was  
11 discriminatory or retaliatory?

12 A. I don't recall right now.

13 Q. And what is the basis for your  
14 belief that --

15 MS. FRIEDFEL: Withdrawn.

16 Q. On what basis do you believe  
17 people were discriminating against you?

18 A. As I just said, the offer  
19 was --

20 Q. Let me rephrase the question  
21 then. I might not be clear.

22 Do you believe they were  
23 discriminating against you based on a  
24 particular protected class?

25 A. Yes, disability.

1 BELANGER

2 Q. And what facts or information do  
3 you have to support your contention that  
4 your disability was a factor in their  
5 decision about the offer?

6 A. Well, Joanne's comments about my  
7 physical fitness, question -- questioning  
8 my fitness for sure. The fact that the  
9 offer was changed from what it had been  
10 intended and then offered to me in a  
11 lesser package and then ultimately offered  
12 to someone else, you know, of what I had  
13 asked for.

14 Q. Do you have any other facts to  
15 support your contention that your  
16 disability was a factor?

17 A. There may be an e-mail and there  
18 may be things that I can remember with  
19 additional effort, but at this time I am  
20 not able to speak to that.

21 Q. And is there anything -- is  
22 there any way in which you believe that  
23 the offer or the circumstances around your  
24 offer for this position were retaliatory?

25 A. I believe that they were based

1 BELANGER

2 on, you know, my accusations of  
3 discrimination against Montoya and  
4 Waley-Cohen and in reporting them.

5 Q. And those were the accusations  
6 that you discussed from the spring of  
7 2017?

8 A. Again, I -- you know, they very  
9 likely include episodes going forward from  
10 that date.

11 Q. And did anybody say or do  
12 anything --

13 MS. FRIEDFEL: Withdrawn.

14 Q. Do you have any facts or  
15 information that would support your  
16 contention that the decision about this  
17 offer that was given to you were motivated  
18 by retaliation?

19 A. I don't know.

20 Q. You testified earlier that the  
21 offer had been changed I believe from how  
22 it was originally conceived or something  
23 to that effect.

24 What is the basis for your  
25 knowledge as to how it was originally

1 BELANGER

2 conceived?

3 A. I mean I conceived it with Mary  
4 Anne Petite, and so I have -- I have no  
5 knowledge.

6 Q. How it was proposed to the  
7 administration is what you have knowledge  
8 of?

9 A. The administration -- who do you  
10 mean by that?

11 Q. Neither you nor Mary Anne Petite  
12 were the individuals making decisions  
13 about how the directorship of the program  
14 was going to be structured; is that  
15 correct?

16 A. I don't know to what degree Mary  
17 Anne had input. I believe she had some.

18 Q. And who created the original  
19 budget for the position?

20 A. I don't recall.

21 Q. Did you and Mary Anne have input  
22 into the budget?

23 A. I believe so.

24 Q. And so you were aware that the  
25 amount that you were offered for the

1 BELANGER

2 position was consistent with what had been  
3 budgeted?

4 A. I don't know.

5 Q. Okay. You had a disagreement  
6 with Anna Greenspan on October 30, 2018;  
7 is that correct?

8 A. Say that again.

9 Q. Did you have a disagreement with  
10 Anna Greenspan on October 30, 2018??

11 A. Yes, I guess you could call it a  
12 disagreement.

13 Q. What were you discussing?

14 A. I believe the topic was hiring  
15 and -- yes, for the upcoming year,  
16 academic year.

17 Q. Were you discussing the creation  
18 of tenured faculty or tenured line faculty  
19 positions in IMA?

20 A. That might have been -- that  
21 might have been one of the things that was  
22 discussed.

23 Q. Okay. Where were you during  
24 this discussion?

25 A. The discussion happened in the



1 BELANGER

2 PCI lab. I think it is PCI, the program  
3 on creativity and invasion.

4 Q. And who was present at the time?

5 A. Christian Greuel. I don't  
6 recall if anyone else was present. Moon  
7 may have been present. Anyone who was on  
8 the hiring committee at that time may have  
9 also been present.

10 Q. And what is Moon's last name?

11 A. I can't remember.

12 Q. And do you recall like  
13 physically in that space where you were?  
14 Were you sitting on the couch? Were you  
15 standing?

16 A. Yes. Sitting on like a  
17 futon-type thing.

18 Q. Okay. And were you and Anna  
19 Greenspan both sitting on that futon?

20 A. At some point or another, yes.

21 Q. And at some point during the  
22 discussion did you get angry?

23 A. I wouldn't say angry, no.

24 Q. How would you characterize your  
25 emotions during that interaction?

1 BELANGER

2 A. Upset and hurt.

3 Q. And what is it that made you  
4 upset or hurt?

5 A. Well, I had just received the  
6 e-mail from Montoya, and at this -- Anna  
7 initiated this meeting without me. So it  
8 felt like I was being rendered  
9 unimportant.

10 Q. I'm sorry. Was there anything  
11 else?

12 A. I can't recall.

13 Q. Okay. You said Anna had  
14 initiated the meeting without you?

15 A. That's correct.

16 Q. How do you know that Anna had  
17 initiated the meeting?

18 A. I don't recall specifically, but  
19 -- but that seemed to be the fact.

20 Q. But the other members of the  
21 hiring committee were not present either;  
22 is that correct?

23 A. No. As I said, I don't recall  
24 who else was present and for what reasons  
25 they may or may not have been present.

1 BELANGER

2 Q. Okay. And how do you know that  
3 it was an organized meeting as opposed to  
4 just somebody walking into somebody's  
5 office and chatting?

6 A. We were supposed to meet around  
7 that -- around that time.

8 Q. Do you have any other  
9 information that would suggest it was an  
10 organized meeting?

11 A. Whether it was an organizing  
12 meeting or not, I am not sure that it  
13 matters.

14 Q. So when you referred to that  
15 e-mail, are you talking about the October  
16 30 e-mail from Maria Montoya that we have  
17 marked as an exhibit previously?

18 A. I believe so.

19 Q. Okay. Did you raise your voice  
20 during that interaction?

21 A. My voice was higher than normal  
22 conversation.

23 Q. Were you screaming?

24 A. I wouldn't say screaming.

25 A. But, yes, I was -- I was

1 BELANGER

2 speaking in a loud voice.

3 Q. And you threw a suitcase; is  
4 that correct?

5 A. I do not recall throwing a  
6 suitcase.

7 MS. FRIEDFEL: I cannot figure  
8 out how to get this on Exhibit Share,  
9 so I am going to I guess -- what  
10 number are we up to? We are going to  
11 mark this as Exhibit 11, but I will  
12 figure out how to mark it later. I  
13 am going to share my screen.

14 (Defendants' Exhibit 11 marked  
15 for identification.)

16 Q. Can you see my screen?

17 A. Yes.

18 Q. So what we are marking as  
19 Exhibit 11 is a video file that was Bates  
20 stamped Defendants 9559, and I am going to  
21 play it from the 36th second mark.

22 It is going to take me a minute.  
23 If you want to take a drink or use the  
24 restroom, you are welcome to.

25 Ms. Zarski is sharing her

1 BELANGER

2 screen, and she is going to play this  
3 video, and I am just going to ask you to  
4 watch it, and then I may ask you some  
5 questions.

6 Q. Is that you there in the hall?

7 MS. FRIEDFEL: I believe we  
8 lost the witness. Let's go off the  
9 record.

10 (Recess taken.)

11 MS. FRIEDFEL: Back on the  
12 record.

13 MS. ZARSKI: I will pull up the  
14 video again.

15 MS. FRIEDFEL: Yes.

16 (Video playing.)

17 MS. FRIEDFEL: I am just going  
18 to note for the record that the  
19 security video doesn't have any  
20 sound. You can take it down,  
21 Monica.

22 Q. Was that you in the video?

23 A. It looked like me.

24 Q. Okay. And that was you walking  
25 in and out of that room and throwing a

1 BELANGER

2 suitcase?

3 A. I couldn't tell whether I threw  
4 it or not based on the playback here.

5 Q. Okay. But that was you  
6 handling the suitcase in that video?

7 A. I saw myself I believe and a  
8 suitcase. I couldn't really make out  
9 what was happening.

10 Q. Okay.

11 A. You could play the video if you  
12 would like, and I can take a closer look.

13 Q. I don't think that is necessary.  
14 As long as it is you in the video, it  
15 speaks for itself as to what happened.

16 As a result of your behavior in  
17 your interaction with Anna Greenspan on  
18 October 30, 2018 and your actions as  
19 depicted in the video, you were asked not  
20 to return to campus until further notice;  
21 is that correct?

22 A. At some point. I don't recall  
23 if it was right away, but at some point I  
24 was asked not to come to campus.

25 Q. And --

1 BELANGER

2 A. I was also given a choice, you  
3 know. So I -- yes. I don't know  
4 whether -- yes. Can you ask the question  
5 again?

6 Q. Sure.  
7 Were you permitted to be on  
8 campus --

9 MS. FRIEDFEL: Let me withdraw  
10 that.

11 Q. Were you contacted by any member  
12 of the administration on October 30, 2018  
13 with respect to those events with Anna  
14 Greenspan in the video?

15 A. I don't believe I was contacted  
16 on that day. No.

17 Q. When were you contacted?

18 A. In the days that followed.

19 Q. Okay. And what --

20 A. It might have been the next day  
21 or it might have been a few days later.  
22 I don't recall.

23 Q. Who from the administration  
24 contacted you?

25 A. I believe it was Maria Montoya.

1 BELANGER

2 Yes.

3 Q. And did she direct you not to be  
4 present on campus until further notice?

5 A. Not in that e-mail. She said  
6 that she needed to speak with me.

7 Q. Okay. And then when she spoke  
8 with you, what do you recall from that  
9 conversation?

10 A. Let me think. I don't recall  
11 whether it was in that meeting or a future  
12 one, but I was sort of given an ultimatum  
13 of sorts.

14 Q. Okay. Were you given an  
15 instruction to stay off the campus until  
16 further notice?

17 A. I don't recall whether I was or  
18 not either in this meeting or a future --  
19 at some point I was told not to come to  
20 campus. I don't recall whether it was in  
21 this meeting or another one.

22 Q. Okay. And you were told at that  
23 point shortly thereafter that you were  
24 either -- that you would subject to  
25 disciplinary --



1 BELANGER

2 MS. FRIEDFEL: Going to  
3 withdraw that.

4 Q. You said you were given an  
5 ultimatum. What was the ultimatum?

6 A. Either to take a medical leave  
7 or be subject to disciplinary proceedings.

8 Q. And the disciplinary proceedings  
9 would have been with respect to your  
10 conduct with Anna Greenspan and in the  
11 video?

12 A. I'm not really sure. I don't  
13 know if that was ever clarified. I do  
14 believe I asked a number of questions with  
15 respect to the disciplinary proceeding and  
16 how it would be held and all these kinds  
17 of things, but I don't know that I ever  
18 got direct answers about what I had  
19 allegedly done or anything or what I was  
20 faced -- what kind of charges I was  
21 facing. I don't -- I don't know that I  
22 ever got a concrete answer from Montoya or  
23 anyone.

24 Q. You were aware that the actions  
25 that had recipitated this discussion of a

1 BELANGER

2 disciplinary proceeding were your actions  
3 with Anna Greenspan in the presence of  
4 Christian Greuel on October 30, 2018,  
5 correct?

6 A. That incident preceded what came  
7 next.

8 Q. And you understood that that was  
9 the incident that precipitated and caused  
10 what came next?

11 A. I don't know if that was  
12 explained.

13 Q. I didn't ask if it was  
14 explained. I asked if you understood it.

15 A. I don't know if I understood it.  
16 I don't know that it was ever articulated  
17 to me why I was facing disciplinary  
18 proceedings --

19 Q. Did you --

20 A. -- concretely.

21 Q. Did you engage in any other  
22 actions at or about that time that would  
23 have resulted in disciplinary proceedings?

24 A. Not that I am aware of.

25 Q. And you said you were given the

1 BELANGER

2 options of taking a leave or of undergoing  
3 the ordinary disciplinary process,  
4 correct?

5 A. A medical leave or facing  
6 disciplinary proceedings.

7 Q. Okay. And you understood that  
8 the university was under no obligation to  
9 offer you this medical leave, correct?

10 A. I don't know what they are under  
11 obligation to do or not.

12 Q. Is there anyplace that you are  
13 aware of in the faculty handbook or any  
14 other policy of NYU Shanghai that  
15 indicates that you have a right to a  
16 medical leave when you have an angry  
17 outburst with another faculty member?

18 A. I object to your  
19 characterization of -- as an angry  
20 outburst.

21 Q. Okay. Are you aware of any  
22 policy that entitles you to a medical  
23 leave if you scream at another -- I'm  
24 sorry. Let me rephrase it -- if you  
25 raise your voice with another faculty

1 BELANGER

2 member and slam doors?

3 A. Say it again.

4 Q. Is there any policy or any  
5 document or any practice at NYU that you  
6 are aware of that would entitle you to a  
7 medical leave because you raised your  
8 voice with another faculty member and  
9 slammed doors and handled a suitcase?

10 A. I am not aware of what NYU  
11 Shanghai policy allows or doesn't allow  
12 with respect to much honestly, but  
13 the -- those policies are not the only  
14 factors.

15 Q. You say it was an ultimatum.  
16 In what way was it an ultimatum?

17 A. I was given an either or choice.

18 Q. Right. And you understood that  
19 the university could have simply undergone  
20 the disciplinary procedure and not given  
21 you any choice, right?

22 A. They could have. Yes.

23 Q. Right. But they instead gave  
24 you this opportunity to have a paid leave  
25 of absence instead, right?

1 BELANGER

2 A. I would not characterize what  
3 came next as an opportunity for me.

4 Q. Well, it was your choice. You  
5 could have stayed and done the  
6 disciplinary proceeding, right?

7 A. I was given a choice under  
8 duress.

9 Q. What was the duress?

10 A. I wasn't given time to consult  
11 with my -- my doctors. I wasn't given  
12 time to consult with a lawyer, and I was  
13 given a deadline to provide an answer.

14 Q. I am sorry. Did you say you  
15 were or were not given a deadline?

16 A. I was given a deadline.

17 Q. And how much time were you  
18 given? It was at least five days; is that  
19 correct?

20 A. I don't recall. Some of those  
21 days may have been over a weekend. I  
22 believe that they were, and it certainly  
23 wasn't enough time to schedule an  
24 appointment with a doctor or find a  
25 lawyer.

1 BELANGER

2 Q. If you felt uncomfortable with  
3 the notion of taking this paid leave of  
4 absence, then why didn't you just stay and  
5 undergo the disciplinary proceedings?

6 A. The -- the terms of the  
7 disciplinary proceeding and including, as  
8 I said earlier what I was -- what charges  
9 I was facing were never very clearly  
10 defined.

11 Q. Is it your contention that the  
12 offer of the paid leave of absence in lieu  
13 of disciplinary procedures was in some way  
14 discriminatory?

15 A. I believe that it was.

16 Q. And what is the basis for that  
17 belief?

18 A. Well, I was told that I need to  
19 take a medical leave by Montoya, and it  
20 was a medical leave, not some other type  
21 of leave -- administrative leave or  
22 otherwise.

23 Q. And what was discriminatory  
24 about the fact that it was characterized  
25 as a medical leave?

1 BELANGER

2 A. Nobody in that building is  
3 qualified to determine whether I need a  
4 medical leave or not including Montoya.

5 Q. You had expressed to Montoya and  
6 others that you believed that your  
7 outburst was related to your anxiety; is  
8 that correct?

9 A. I believe that -- excuse me. I  
10 said that -- that my anxiety was a factor,  
11 yes, in -- in that event.

12 Q. So if I understand you  
13 correctly, you're contending that the  
14 leave -- the offer of leave was  
15 discriminatory based on your perceived  
16 disability; is that correct?

17 A. Say the question again.

18 Q. What was the -- is there a  
19 protected characteristics based upon which  
20 you believe you were being discriminated  
21 against with respect to this offer of a  
22 leave?

23 A. I don't understand the question.  
24 I'm sorry.

25 Q. Okay. You're claiming that you

1 BELANGER

2 felt that the offer of leave was  
3 discriminatory. Discriminatory based on  
4 what protected characteristics?

5 A. Disability.

6 Q. And is it your contention that  
7 there was anything retaliatory about the  
8 offer of leave?

9 A. I believe that Montoya and the  
10 other leadership just wanted me out of the  
11 way. She wanted me gone, wanted me  
12 silenced.

13 Q. And if you had gone through the  
14 disciplinary process and been found to  
15 have violated university policy, your  
16 employment could have been terminated;  
17 isn't that correct?

18 A. That was my understanding.

19 Q. Right. So you would have been  
20 gone from the university had you gone  
21 through the disciplinary proceeding and  
22 been found responsible?

23 A. If I had been found responsible.  
24 That -- I mean that was one of the --  
25 termination was outlined as one of the



1 BELANGER

2 possibilities, possible outcomes.

3 Q. You ultimately opted to take the  
4 paid medical leave; is that correct?

5 A. I did.

6 MS. FRIEDFEL: I am going to  
7 mark as -- I believe it will be  
8 Exhibit 12.

9 (Defendants' Exhibit 12 marked  
10 for identification.)

11 Q. I am going to ask you to look at  
12 Exhibit 12, which is a letter Bates  
13 stamped Defendants 7486, and it is dated  
14 November 12, 2018.

15 Is that your signature where it  
16 says Matthew Belanger?

17 A. It appears to be.

18 Q. And this is the letter in which  
19 you accepted the offer of paid leave?

20 A. I signed the document.

21 Q. And you were on a full paid  
22 leave of absence; is that correct?

23 A. I am not sure of the precise  
24 date. It seemed like, you know, the  
25 leave went longer than that.

1 BELANGER

2 Q. At least pursuant to this letter  
3 you were getting a paid leave through May  
4 31, 2019, correct?

5 A. The letter outlines that.

6 Q. Okay.

7 Q. Are you aware of any other  
8 faculty members that engaged in conduct  
9 similar to your conduct and incident with  
10 Anna Greenspan?

11 A. I don't know if I would  
12 characterize it as similar, but I am aware  
13 of other faculty members exhibiting  
14 behavior that is questionable.

15 Q. Are you aware of other faculty  
16 members who have --

17 MS. FRIEDFEL: Withdrawn.

18 Q. To whom are you referring?

19 A. Dwayne Corpis regularly raised  
20 his voice with people and would get upset,  
21 And I believe his name is Ernie Gilman did  
22 things that would potentially warrant  
23 disciplinary action.

24 Q. I am going to ask a different  
25 question.

1 BELANGER

2 Are you aware of whether any  
3 other faculty had complaints made against  
4 them that their behavior had made another  
5 faculty feel unsafe?

6 A. I am trying to think. I know of  
7 situations between faculty and students.  
8 between faculty and other faculty I don't  
9 recall.

10 MS. FRIEDFEL: I am going to  
11 mark the next exhibit, which would be  
12 13.

13 (Defendants' Exhibit 13 marked  
14 for identification.)

15 Q. Take a look at Exhibit 13, Mr.  
16 Belanger.

17 A. Exhibit 13.

18 Q. It is a message that you wrote  
19 to Mary Signor and Linda Mills on or about  
20 March 28, 2019.

21 A. It appears to be.

22 Q. You reference a denial of an  
23 extension to your contract. What contract  
24 are you referring to?

25 A. I don't recall right now. It

1 BELANGER

2 is possible that at least one of the  
3 occurrences that I am speaking to is the  
4 2017 incident.

5 Q. Anything else?

6 A. I don't recall at this time.

7 Q. You say that the terms of your  
8 contracts differed from those of your  
9 peers.

10 A. Yes. I don't see that, but I  
11 am looking.

12 Q. It is the fourth bullet down.

13 A. Okay. Yes, different from those  
14 of my peers. Yes, it did.

15 Q. And in what regard did it differ  
16 from those of your peers?

17 A. It is my understanding that my  
18 peers had contracts that specified their  
19 salary, their entire salary in Chinese.

20 Q. Which peers?

21 A. Peers. Let's see when this  
22 letter was generated from 2019. I am  
23 probably speaking about Amy Becker in this  
24 case.

25 Q. And what was the --

1 BELANGER

2 A. Let me just finish reading the  
3 bullet point.

4 Q. I am sorry. Go ahead.

5 (Pause.)

6 A. Yes. I am speaking about my  
7 administrative -- in that bullet point I  
8 am speaking about my administrative salary  
9 being omitted from my Chinese contract and  
10 about retirement contributions not being  
11 made for that part of my salary.

12 Q. And you believe that Amy Becker  
13 received retirement contributions, and  
14 that her full compensation was indicated  
15 in her Chinese contract?

16 A. She told me that it was.

17 Q. Okay. And what was her role at  
18 the time?

19 A. I don't recall.

20 Q. Did she have a primary faculty  
21 appointment or a primary administrative  
22 appointment?

23 A. I don't recall. I mean I don't  
24 recall the details of her contract or I  
25 didn't at that time.

1 BELANGER

2 Q. Were you aware of other faculty  
3 members who had an administrative  
4 appointment structured in the same way as  
5 yours?

6 A. I -- I am not sure. I am not  
7 sure I do.

8 Q. Are you aware of the  
9 compensation packages and structures of  
10 all the other faculty with administrative  
11 appointments?

12 A. I was certainly not aware of all  
13 of them.

14 Q. You go on to say in this  
15 e-mail -- let me just -- sorry.

16 Just going back, is there  
17 anything anybody else who you would  
18 characterize as a peer who was treated  
19 differently with respect to that fourth  
20 bullet point?

21 A. I mean I -- I am reasonably  
22 certain that the contracts of other  
23 assistant deans or other deans were not  
24 outlined in this way at the time.

25 Q. But you can't identify any of

1 BELANGER

2 those people right now?

3 A. Well, the other people who were  
4 assistant deans were Diane Yang, and I  
5 forget his name. I forget their names.

6 Q. In the next bullet you say you  
7 were informed of an upcoming  
8 administrative reappointment without any  
9 form of process.

10 What form of process did you  
11 think you were entitled to?

12 A. I believed that I was entitled  
13 to a reappointment process with respect to  
14 my administrative appointment.

15 Q. And what was the basis of your  
16 belief that you were entitled to the  
17 administrative appointment in perpetuity?

18 A. I did not say in perpetuity.

19 Q. Okay. What was the basis of  
20 your belief that you were entitled to  
21 renew that administrative appointment?

22 A. The university does outline -- I  
23 can't say at this moment without reviewing  
24 all of the policy. I mean it is not fair  
25 to do that to me. There is policy here

1 BELANGER

2 that I -- you know, I don't have in my  
3 head and I am not able to speak to.

4 Q. Where does that policy appear?

5 A. There is policy -- there is NYU  
6 policy. There is NYU Shanghai policy.  
7 The NYU Shanghai policy appears on the  
8 faculty portal. The NYU policy appears  
9 scattered across all the NYU website and  
10 maybe in other places.

11 Q. And just to be clear when you  
12 are referring to the non-reappointment of  
13 the administrative position, you are  
14 referring to the assistant dean position?

15 A. That is what I am referring to  
16 in that bullet point.

17 Q. And in the rest of that bullet  
18 where you talk about offer terms for a new  
19 position and so forth, that is referring  
20 to the Low Res directorship?

21 A. It looks -- it looks to be that  
22 way. Yes.

23 Q. And what is the basis for your  
24 contention that the individual who was  
25 ultimately selected or accepted the



1 BELANGER

2 position rather was less qualified than  
3 you?

4 A. He was not involved in any way  
5 with the development of the Low residency  
6 program. He was a junior in many  
7 respects both in terms of academic  
8 experience and industry experience. He  
9 had no involvement with the program. I  
10 was involved with the development of the  
11 program, the Low residency program from  
12 probably 2015 onwards. He did not have  
13 the number of accomplishments that I had.

14 Q. In the following bullet you say  
15 "This makes me the only person out of five  
16 responsible for funding and/or directing  
17 interactive medium programs in Shanghai,  
18 Abu Dhabi to not presently have a position  
19 in New York."

20 The person who ultimately  
21 accepted the position of the director of  
22 the Low Res program, that was Greg Putzel?

23 A. To my understanding.

24 Q. And he had been the director of  
25 the interactive media arts program in Abu

1 BELANGER

2 Dhabi?

3 A. He had been.

4 Q. Have you applied for any  
5 position in New York?

6 A. Yes. Yes, I believe so.

7 Q. For what position?

8 A. I don't recall, but I was  
9 applying to jobs across NYU.

10 Q. You say that you were not  
11 treated in accordance with established NYU  
12 policy and that your attempts to seek  
13 grievance were obstructed.

14 Can you explain what you mean by  
15 that?

16 A. My grievance was cut short. It  
17 never concluded. I was never given an  
18 opportunity to grieve, and that is  
19 in -- in opposition to the policy.

20 Q. You were never given an  
21 opportunity to grieve what?

22 A. The grievance for my  
23 nonpromotion was never completed although  
24 I tried to resume it on multiple  
25 occasions.

1 BELANGER

2 Q. You had been informed that  
3 the -- a determination had been made that  
4 the grievance proceeding didn't apply  
5 because there had not been a decision  
6 denying promotion; is that correct?

7 A. Say that again.

8 Q. You had been informed that the  
9 grievance procedure did not apply because  
10 there had been no decision denying  
11 promotion?

12 A. I had been informed that.

13 Q. What steps did you take to  
14 continue that grievance.

15 A. I tried on many occasions. In  
16 e-mail with Christian, with -- I reached  
17 out to Peter Gonzalez in New York, Provost  
18 Flemming. I believe I tried with Maria  
19 as well, Maria Montoya.

20 Q. And Maria had told you that you  
21 could resubmit your application and be  
22 considered for promotion; is that right?

23 A. That is not the same thing as  
24 conclusion to a grievance.

25 Q. What was the outcome of the

1 BELANGER

2 grievance that you wanted?

3 A. It hadn't ever formally ended  
4 except through abortion.

5 Q. But had the grievance gone  
6 through and had there been a determination  
7 that you should have been reviewed for a  
8 promotion, what do you think the remedy  
9 would have been?

10 A. I can't speculate.

11 Q. You would need to be reviewed  
12 for promotion, right? Let me put it a  
13 different way.

14 A. I don't know that that is right.

15 Q. You couldn't be promoted without  
16 a review, right?

17 A. Well, I was reviewed, and again  
18 Montoya suggested that I could be promoted  
19 without having to go through the process  
20 again. I could have been promoted  
21 according to Montoya without review, and I  
22 don't think it is unusual for people at  
23 NYU Shanghai to be promoted without a  
24 review.

25 Q. Who do you know that got a

1 BELANGER

2 promotion in rank without a review?

3 A. I don't think Amy Becker was  
4 reviewed for her promotion to assistant  
5 dean.

6 Q. But assistant dean is a  
7 administrative appointment, not a  
8 professorial appointment, correct?

9 A. That's correct in that case.

10 Q. So are you aware of anybody who  
11 has ever been given a promotion in  
12 professorial rank without having a review?

13 A. I don't know off the top of my  
14 head, but there were some years where  
15 policy didn't really exist, and things  
16 were just sort of happening at various  
17 people's discretion.

18 Q. Be that as it may that was no  
19 longer the case in 2018, right?

20 A. I don't know if that was the  
21 case or not ever. I mean things seemed  
22 to happen at people's discretion  
23 frequently at NYU Shanghai.

24 Q. Going back to the exhibit, you  
25 said that you had your fitness to continue

1 BELANGER

2 in your job questioned in e-mail shortly  
3 after emerging from the hospital.

4 A. Yes.

5 Q. So who questioned your fitness?

6 A. Waley-Cohen.

7 Q. You are saying that occurred  
8 sometime in 2017. Is that the hospital  
9 visit that you are referring to?

10 A. Not hospital visit. I am  
11 talking about in this case for -- I was  
12 hospitalized on a few occasions for kidney  
13 stones in the late summer of 2018, and the  
14 question of my fitness came up during that  
15 time.

16 Q. You say you have been  
17 increasingly excluded from the basic  
18 operations of the program. Are you  
19 referring to the IMA program?

20 A. Let me read the bullet.

21 Q. Sure.

22 (Pause.)

23 A. The exhibit marker covers some  
24 of the text.

25 Q. I don't know how to move it.

1 BELANGER

2 A. I assume that says academic  
3 year, and I assume above it says I had  
4 been responsible probably for directing.  
5 So, yes. What is the question?

6 Q. So in what ways had you been  
7 excluded from the operations of the  
8 program you had been responsible for?

9 A. I need to think on that for a  
10 minute. Well, it says following that  
11 including being excluded from hiring  
12 course planning processes for I don't know  
13 what in an academic year.

14 Q. When is it that you believe that  
15 you started to be excluded from the  
16 operations program?

17 A. I don't recall a precise date.  
18 It seemed to happen gradually over time.

19 Q. Okay. And when you say that you  
20 were excluded from the hiring course  
21 planning processes, was that referring to  
22 the period when you were on leave or to  
23 another period of time?

24 A. No. I would not have been  
25 referring to the time that I was on leave.

1 BELANGER

2 Q. I am going to share my screen  
3 for a moment because I have another  
4 version of the exhibit that doesn't have  
5 the stamp on it where you can read the --  
6 those couple of words. So I am just going  
7 to share my screen, so you could read  
8 those words.

9 A. Okay.

10 Q. Do you see the bullet where it  
11 says "including being excluded from hiring  
12 and course planning processes for the  
13 upcoming academic year."

14 A. When is the date of this e-mail  
15 again?

16 Q. It is March 28, 2019.

17 A. Okay.

18 Q. So this was actually referring  
19 to the period of time when you were on  
20 leave.

21 A. I don't know that it is  
22 recurring -- sorry. I don't know that it  
23 is referring to that time. It may be  
24 referring to the upcoming academic year  
25 for whatever time it was referring to.



1 BELANGER

2 Q. Well --

3 A. In other words, for the upcoming  
4 academic be year of whatever period of  
5 time this is, you know.

6 Q. The planning process for the  
7 upcoming academic year would have been  
8 occurring in the spring of the current  
9 year, correct?

10 A. It would have been occurring in  
11 the fall as well including  
12 before -- before when I took a leave.

13 Q. So you are saying that you were  
14 excluded prior to October 30, 2018. Is  
15 that what you are saying?

16 A. I am sorry. Some engine just  
17 came on outside my window. My  
18 volume -- let me raise it a little bit.  
19 I am going to just close my window.

20 Q. Okay.

21 (Pause.)

22 A. Can you state the question  
23 again?

24 Q. Is it your contention that  
25 between August and the end of October 2018

1 BELANGER

2 you were excluded from the hiring and  
3 course planning process for academic year  
4 2019?

5 A. I believe that I was.

6 Q. And in what way were you  
7 excluded in the fall of '18?

8 A. Again, the situation that or the  
9 incident that led to my medical leave was  
10 being excluded from these processes in  
11 part anyway.

12 Q. Further down in this you say  
13 that you have "at least been twice denied  
14 reasonable requests for accommodation."  
15 What were the accommodation requests that  
16 you were denied?

17 A. With respect to that bullet  
18 point, I don't recall --

19 Q. Okay. Do you recall --

20 A. -- at this time.

21 Q. Do you recall any accommodation  
22 requests that you made that were denied?

23 A. I don't recall the timeline of  
24 my request making to various people. I  
25 would have to go back and review that.

1 BELANGER

2 Q. You claim that you were blamed  
3 and belittled for things that were not  
4 your fault. Who blamed and belittled you  
5 for things that were not your fault?

6 A. Maria Montoya primarily.

7 Q. And when did she do that?

8 A. In e-mail and in person  
9 throughout the period between 2017, early  
10 2017 and when this letter was drafted.

11 Q. What did she say or do that you  
12 found to be blaming and belittling or  
13 belittling?

14 A. I would have to go back and  
15 refer to those e-mails.

16 Q. You are saying you don't recall  
17 at this time?

18 A. At this time I don't recall.  
19 If you allow me a minute I might -- I  
20 mentioned an incident earlier where HR had  
21 instructed me to reach out to Jeffrey  
22 Lehman, and I did so. I mentioned an  
23 incident with Ally Rose. I was blamed  
24 for that. I believe there were  
25 situations with the curriculum

1 BELANGER

2 committee -- that is the best I can recall  
3 right now.

4 Q. You allege that you were  
5 unfairly questioned in front of your  
6 peers. Who unfairly questioned you?

7 A. Montoya and Waley-Cohen I  
8 believe.

9 Q. In front of which peers?

10 A. Can you restate the original  
11 question again?

12 Q. Sure.

13 You say that you had your  
14 abilities unfairly questioned in front of  
15 your peers that you wrote in your e-mail.  
16 So I am asking you which peers did that  
17 occur in front of?

18 A. I don't recall specifically, but  
19 I believe there were e-mail exchanges and  
20 also again in curriculum committee or  
21 following curriculum committee meetings  
22 where these types of things occurred.

23 Q. Can you share any details of  
24 what was said?

25 A. I can't at this time.

1 BELANGER

2 Q. You further said you were  
3 assailed behind your back. Who do you  
4 allege assailed you behind your back?

5 A. Can you show me the letter  
6 again?

7 Q. It is --

8 A. 13?

9 Q. It is still Exhibit 13. Yes.

10 A. Which bullet point?

11 Q. It is the penultimate bullet  
12 point.

13 A. I do know that at least  
14 according to Dan O'Sullivan Joanna  
15 Waley-Cohen said some pretty negative  
16 things about me to him not in my presence.

17 Q. And what did Dan O'Sullivan tell  
18 you that Joanna Waley-Cohen had said?

19 A. When --

20 Q. What did he say?

21 A. He did not say with great  
22 specificity. He just said that she didn't  
23 have very favorable things to say about  
24 me. This was in a meeting that he and I  
25 had. He had just met with her some time

1 BELANGER

2 before that.

3 Q. Do you have any basis to believe  
4 that any of the alleged actions that you  
5 have described with respect to that bullet  
6 were based on your disability or any other  
7 protective characteristics?

8 A. I believe that they were, and I  
9 believe they were also in a form of  
10 retaliation.

11 Q. And what is the basis of that  
12 belief?

13 A. The basis is -- is the action  
14 itself.

15 Q. Anything other than the action  
16 itself?

17 A. I mean I have been subjected to  
18 by this point months of -- again  
19 everything from micro aggressions to -- to  
20 people saying negative things about me  
21 behind my back. This occurred over  
22 months.

23 Q. You say that you are reluctant  
24 to ask the OEO to perform an investigation  
25 into your claims, and that you are

1 BELANGER

2 presently not requesting one, correct?

3 A. I said that.

4 Q. And why did you say that?

5 A. It says because I felt  
6 vulnerable.

7 Q. You indicate that you were open  
8 to a settlement. What type of settlement  
9 did you think could be reached through  
10 this process?

11 A. Let me find the sentence.

12 Q. You say "I remain hopeful to an  
13 agreement and open to a settlement." The  
14 second to --

15 A. I am not fining it.

16 Q. The second to last paragraph,  
17 the sentence begins two-thirds through the  
18 --

19 A. "Remain open to a settlement" is  
20 that allows me to keep a job comparable to  
21 what I have now within the university.  
22 It is pretty clearly explained right  
23 there.

24 Q. Right. What is it that you  
25 think that you were settling?

1 BELANGER

2 A. All of this dispute. I mean  
3 there is tons of disputes ongoing, and I  
4 wanted it settled. I just wanted it  
5 settled. That is all.

6 Q. Okay. But you at that point in  
7 time had an appointment?

8 A. Right.

9 Q. That was up for renewal?

10 A. I was on a medical leave at this  
11 time and trying to figure out a way back  
12 to work it.

13 Q. You were on a medical leave, but  
14 that medical leave was set to end May 31,  
15 2019, and you were expected to come back  
16 to your position, right?

17 A. To my -- my teaching position.

18 Q. Yes. Okay.

19 The last bullet there I forgot  
20 to ask you about. You say "My peers have  
21 repeatedly received favorable treatment  
22 when making similar requests."

23 Can you explain what you meant  
24 by that?

25 A. You know, if a request was made



1 BELANGER

2 to Montoya the same request coming from me  
3 versus coming from Amy Becker or someone  
4 else, the request would be granted versus  
5 not.

6 Q. And are you aware of any  
7 circumstances where a peer made a  
8 comparable request to you under comparable  
9 circumstances, but the requests were  
10 treated differently?

11 A. I was at the time. I -- I  
12 don't recall right now what I was speaking  
13 about, but I wasn't just making it up.

14 Q. Are you contending that there is  
15 anything discriminatory or retaliatory  
16 about your 2019 employment contract?

17 A. 2019. That is the one that I  
18 signed in May of 2019?

19 Q. Correct.

20 A. I would need to review the  
21 contract and review other e-mails from the  
22 time. I -- I mean I -- I can say that  
23 the circumstances leading to that contract  
24 are -- I contend that those circumstances  
25 were discriminatory.

1 BELANGER

2 Q. In what way?

3 A. In all the ways that we have  
4 discussed. I was never allowed a  
5 grievance. I was not promoted. Yes.

6 Q. Are you aware of any faculty  
7 employed by NYU Shanghai who have  
8 contracts for terms longer than three  
9 years?

10 A. Yes.

11 Q. Who?

12 A. Amy Becker had one.

13 Q. In a faculty position?

14 A. Yes.

15 Q. Anybody else?

16 A. I believe -- I forget his  
17 name --

18 MS. FRIEDFEL: Let me withdraw  
19 that question and ask a different  
20 question.

21 Q. Are you aware of any other  
22 faculty of NYU Shanghai who had a contract  
23 of employment without a termination date?

24 A. In other words, an open term  
25 contract?

1 BELANGER

2 Q. Right.

3 A. I am not aware of anyone  
4 specifically, but at Waley-Cohen's  
5 deposition she said that such contracts  
6 had been awarded, and I had heard I  
7 believe it from Amy Becker though it may  
8 have been someone else that such contracts  
9 had been awarded.

10 Q. And do you know if --

11 MS. FRIEDFEL: Withdrawn.

12 Q. You had objected to the fact  
13 that your access to campus during the  
14 period of your medical leave from November  
15 of 2018 through May of 2019 was limited.

16 Is it your belief that there was  
17 something discriminatory or retaliatory  
18 about that limitation?

19 A. Yes.

20 Q. And what is the basis for that  
21 belief?

22 A. I mean not allowing someone to  
23 come to the campus because they are on a  
24 medical leave. I -- it is clearly  
25 retaliatory and clearly discriminatory.

1 BELANGER

2 Q. But what is the basis for your  
3 belief that the limitation of your  
4 presence on campus was related to the  
5 classification of your leave as opposed to  
6 your behavior in the incident with Anna  
7 Greenspan?

8 A. Say the question again.

9 MS. FRIEDFEL: Debbie, can you  
10 read the question back, please.

11 (Record read.)

12 A. Well, among other things it was  
13 tied to the term of my leave.

14 Q. And your leave was the result of  
15 your behavior in the incident with Anna  
16 Greenspan?

17 A. So you are saying they are  
18 inseparable. Is that right?

19 Q. I am asking you a question.  
20 That was the reason why you were offered  
21 the opportunity to take leave because of  
22 your behavior in the incident with Anna  
23 Greenspan?

24 A. I don't know that that was ever  
25 clearly established.

1 BELANGER

2 Q. Again, I asked --

3 A. I know there may be e-mails or  
4 recordings that could shed light, and that  
5 I -- but any exclusion from campus ran  
6 parallel to my medical leave.

7 MS. FRIEDFEL: I am going to  
8 mark as the next exhibit Exhibit 14.  
9 It should be in Exhibit Share now.  
10 Exhibit 14 is Bates stamped  
11 Defendants 7507 to 7511.

12 (Defendants' Exhibit 14 marked  
13 for identification.)

14 Q. I am just initially going to ask  
15 you if you sent and received the e-mails  
16 as indicated?

17 A. What number am I looking for?

18 Q. Exhibit 14.

19 A. Okay. These appear to be  
20 e-mails sent by me.

21 Q. You indicate in the e-mail that  
22 you had requested that the vice chancellor  
23 and other members of leadership at NUY  
24 refrain from contacting you.

25 What was the basis of that

1 BELANGER

2 request?

3 A. Again, it is hard for me to  
4 place this e-mail in context of other  
5 e-mails and other exchanges between myself  
6 and the vice chancellor and others. I know  
7 that the vice chancellor referred to me as  
8 inconvenient.

9 Q. And when did the vice chancellor  
10 refer to you as inconvenient?

11 A. I believe that was sometime  
12 before this.

13 Q. Was that in writing or orally?

14 A. In writing.

15 Q. In an e-mail?

16 A. Yes.

17 Q. That was sent to you?

18 A. Yes.

19 Q. Did the vice chancellor contact  
20 you by any means during this period other  
21 than in writing?

22 A. I may have seen him on campus.

23 Q. Well, you weren't on campus in  
24 May of 2019, right?

25 A. Well, at a certain point I was

1 BELANGER

2 told to come to campus to clear out my  
3 office.

4 Q. Okay. I am going to withdraw the  
5 question and ask it differently.

6 A. It may have happened in May of  
7 2019.

8 Q. Okay. You have repeatedly  
9 alleged that the communications you  
10 received from the vice chancellor were  
11 harassing.

12 Were all of those allegedly  
13 harassing communications via e-mail?

14 A. No.

15 Q. Which communications were not  
16 via e-mail?

17 A. He handed me a letter. This was  
18 an initial medical leave letter that I  
19 found harassing. I don't know that that  
20 exists in e-mail, but I provided it in  
21 discovery.

22 Q. He handed you a letter. Is  
23 that the letter describing the leave that  
24 was being offered?

25 A. It was a letter describing the

1 BELANGER

2 leave but not the one that you showed me.

3 Q. Okay. But it was the -- the  
4 text of the letter itself is what you are  
5 claiming was harassing?

6 A. Yes. I did meet with the vice  
7 chancellor on various occasions, but I  
8 don't recall the exact dates at this time.

9 Q. Okay. And during those  
10 in-person interactions -- well, let me  
11 ask. Were those meetings in person?

12 A. I don't recall any that were not  
13 in person.

14 Q. During those in-person meetings  
15 that you had with the vice chancellor, did  
16 he say or do anything that you found to be  
17 harassing?

18 A. Well, in one of the meetings he  
19 handed me the letter that I referred to  
20 earlier. I believe that I have been  
21 gaslit repeatedly by that piece, and I  
22 believe that gaslighting is a form of  
23 harassment. So yes.

24 Q. Okay. And in what ways did the  
25 vice chancellor gaslight you?



1 BELANGER

2 A. Well, I would need to refresh my  
3 memory by looking through various  
4 conversations.

5 Q. What is it that you would look  
6 through to refresh your recollection of  
7 what he said to you during these in-person  
8 meetings?

9 A. E-mails between us, between he  
10 and I rather. I don't know if I may have  
11 mentioned interactions with Lehman in my  
12 conversations with other people. It is  
13 possible.

14 Q. Okay.

15 A. Those conversations that I  
16 provided to you, you know, they may at  
17 least give me a sort of toehold on to when  
18 certain things happened and when  
19 conversations occurred and under what  
20 circumstances.

21 Would it be okay to take a lunch  
22 break?

23 Q. Yes. That is a  
24  
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BELANGER

good idea. You want to take like 40  
minutes or so?

A. Sure.

(Luncheon recess: 1:00 p.m.)

1 BELANGER

2 A F T E R N O O N S E S S I O N

3 1:45 p.m.

4 M A T T H E W B E L A N G E R,  
5 having been previously duly sworn,  
6 testified further as follows:

7 CONTINUED EXAMINATION

8 BY MS. FRIEDFEL:

9 Q. Mr. Belanger, before the break  
10 we were talking about your allegations  
11 that the communications from the vice  
12 chancellor, the provost, and the dean of  
13 arts and sciences were harassing or were  
14 making you feel unsafe and your request  
15 that they not communicate with you any  
16 further.

17 Did you identify all of the  
18 harassing communications from the vice  
19 chancellor during your previous testimony  
20 or were there others?

21 A. Well, I was just reading Exhibit  
22 14, and it -- it talks about repeatedly  
23 alleging but not defining performance  
24 shortcomings. This was something that  
25 the vice chancellor and the dean engaged

1 BELANGER

2 in from time to time. I found that to be  
3 harassing.

4 Q. And that was -- was that in  
5 writing or --

6 A. It happened in writing. It may  
7 have also happened in the course of  
8 meetings as well.

9 MS. FRIEDFEL: I am going to  
10 mark the next exhibit, which I think  
11 will be 15. The computer will tell  
12 me.

13 This will be Exhibit 15.

14 (Defendants' Exhibit 15 marked  
15 for identification.)

16 Q. Do you see the document that has  
17 been marked or should have been marked as  
18 Exhibit 15?

19 A. Yes.

20 Q. For some reason the tag didn't  
21 come in, but other than the e-mail at the  
22 very top between Jeff Lehman and Linda  
23 Mills, did you send and receive the  
24 correspondence as indicated in the  
25 document?

1 BELANGER

2 A. Yes. That looks like things I  
3 received and sent apart from the exchange  
4 between Lehman and Mills.

5 Q. Right. And this makes clear  
6 the disciplinary investigation and the  
7 shortcomings related to your conduct on  
8 October 30, right?

9 A. It makes a connection, but it  
10 fails to state what my -- how I failed to  
11 live up to the responsibilities of the  
12 community with specificity.

13 Q. The document speaks for itself.  
14 In the communications from --  
15 MS. FRIEDFEL: Withdrawn.

16 Q. Were you being contacted in any  
17 manner other than by e-mail during -- by  
18 university administration between November  
19 2018 and March of 2019?

20 A. University administration --

21 Q. I'll be more specific.

22 A. Yes.

23 Q. Had either the vice chancellor  
24 the provost or the dean of arts and  
25 sciences at NYU Shanghai --

1 BELANGER

2 A. Between November of 2018 and  
3 March of 2019 you said?

4 Q. Yes.

5 A. I don't believe that I had  
6 communications with them apart from an  
7 e-mail at that time.

8 Q. Did you have any communications  
9 with Vice Chancellor Lehman, Provost  
10 Waley-Cohen, or Dean Montoya at any point  
11 after your leave began in November of  
12 2018?

13 A. I believe I did.

14 Q. Were all those  
15 communications -- I'm sorry. I may not  
16 have completed my question.

17 Those communications after  
18 November 2018, were all of them in  
19 writing?

20 A. I am not a hundred percent sure.

21 Q. Do you recall any circumstances  
22 where you had an oral conversation with  
23 any of those three individuals after  
24 November of 2018?

25 A. I can't say for certain.

1 BELANGER

2 Q. Pursuant to the terms of your  
3 leave, you were scheduled to return after  
4 May 31, 2019, right?

5 A. The leave had a date of end of  
6 May of 2019.

7 Q. Okay.

8 A. For the leave, yes. Sorry.  
9 Can you say the question again?

10 Q. The expectation was you were  
11 going to return to work after May 31,  
12 2019, right?

13 A. I don't know if there was an  
14 expectation. The letter does say that  
15 leave could be expended. So I -- I  
16 wouldn't say that there was an expectation  
17 one way or the other. It was my intention  
18 to return. By then our -- I honestly  
19 wanted to return in advance.

20 Q. And pursuant to the terms -- I'm  
21 sorry. You met with Mary Signor on or  
22 about June 12, 2019; is that right?

23 A. Say the date again.

24 Q. June 12, 2019.

25 A. Met with her how?

1 BELANGER

2 Q. I guess I don't know that it was  
3 in person, but you spoke with her about  
4 your return to work; is that correct?

5 A. I may have.

6 Q. Do you recall a conversation in  
7 or about June 2019 with Mary Signor about  
8 your return to work and fitness for duty  
9 certification?

10 A. I know that I was in  
11 correspondence with her at that time, yes,  
12 and before and after.

13 Q. And at that time, you told her  
14 that you had been cleared to return to  
15 work without restrictions; is that  
16 correct?

17 A. I don't recall.

18 Q. Had you in fact been cleared to  
19 return to work without restriction at that  
20 point in time?

21 A. I don't recall. I don't think  
22 so. I don't think that I had been able to  
23 find a doctor who could make sense of the  
24 situation.

25 Q. Did you in fact return to work



1 BELANGER

2 in the summer of 2019?

3 A. I did not.

4 Q. Why not?

5 A. I repeatedly asked for  
6 information that my doctors were  
7 requesting including through -- into 2020,  
8 so that they could make a decision.

9 MS. FRIEDFEL: I am going to  
10 mark as the next exhibit a document  
11 bearing Bates stamp 6516.

12 (Defendants' Exhibit 16 marked  
13 for identification.)

14 Q. I am going to direct your  
15 attention to the e-mail in the middle of  
16 the page from Mary Signor to you.

17 A. We are talking about Exhibit 16?

18 Q. Yes.

19 A. Okay. "Dear Matthew." Should  
20 I read this?

21 Q. Sure. Why don't you read that  
22 message.

23 (Pause.)

24 Q. Let me know when you are  
25 finished reading it.

1 BELANGER

2 (Pause.)

3 A. Okay.

4 Q. Does this refresh your  
5 recollection at all about your meeting  
6 with Mary Signor on June 12?

7 A. It doesn't necessarily.

8 Q. Your paid leave was extended  
9 beyond that point; is that correct?

10 A. Beyond the point of May 2019?

11 Q. Yes.

12 A. It was.

13 Q. For how long was it extended?

14 A. Excuse me. There is a loud  
15 motorcycle outside. I will wait until it  
16 passes.

17 (Pause.)

18 A. I returned to work in 2020,  
19 either in February or March I think.

20 MS. FRIEDFEL: I will mark the  
21 next exhibit.

22 (Defendants' Exhibit 17 marked  
23 for identification.)

24 Q. If you look in Exhibit Share,  
25 you will see what we are marking as

1 BELANGER

2 Exhibit 17.

3 A. Okay.

4 Q. If you scroll down to Bates  
5 stamp page 6506, which I believe is page 8  
6 of the PDF.

7 A. Okay.

8 Q. So this you will see there is  
9 another -- it is a further part of the  
10 chain of the last exhibit, but you see  
11 there is an e-mail from you dated July 7,  
12 2019 to Mary Signor where you write "Dear  
13 Mary. I just wanted to bring you up to  
14 date on my end." And you say "I have  
15 returned to Shanghai and will be meeting  
16 with my psychotherapist about my  
17 employment accommodation requests later  
18 this week. I will have these incorporated  
19 into my return to work letter that was  
20 previously issued to me by her and should  
21 be able to provide you this the following  
22 week."

23 At this point in July of 2019,  
24 you had in fact been provided a return to  
25 work letter by your psychiatrist; is that

1 BELANGER

2 correct, or psychotherapist? I'm sorry.

3 A. I know that I had discussed with  
4 her the letter, and ultimately we decided  
5 that we didn't have enough information or  
6 she didn't have enough information to  
7 proceed and was ultimately referred to a  
8 new psychotherapist. I believe that is  
9 demonstrated in the medical documentation  
10 that I provided.

11 Q. So were you lying to Mary when  
12 you said that you had a return to work  
13 letter that was previously issued by, your  
14 psychotherapist?

15 A. I wouldn't have been lying to  
16 her about the previously issued to me by  
17 her. All I can say is that I had an  
18 ongoing conversation with my  
19 psychotherapist about my readiness for  
20 work. She and I ultimately decided that  
21 based on the information that we had I  
22 should be referred to another  
23 psychotherapist for treatment and for  
24 evaluation. And so this conversation  
25 obviously was happening in and around this

1 BELANGER

2 time, and we may have discussed issuing a  
3 letter. I don't think that I had one in  
4 my possession at that time though.

5 Q. Okay.

6 A. I did request one.

7 Q. If you look at page 6501, which  
8 is page 3 of the PDF, on September 17,  
9 2019 at this point you still have not  
10 provided the fitness for duty  
11 certification, correct?

12 A. Say the question again.

13 Q. We will just -- I will just  
14 direct your attention to the e-mail that  
15 is dated September 17, 2019 on  
16 page Defendants 6501.

17 A. From Mary?

18 Q. Right. And she notes that "As  
19 a courtesy NYU Shanghai has allowed your  
20 paid leave to continue beyond the terms of  
21 your leave letter in order for you to  
22 obtain the return to work documentation."  
23 Right?

24 A. I see that.

25 Q. And you were told that you

1 BELANGER

2 needed to provide the return to work  
3 letter, and then you were also -- Mary  
4 goes on to say if you would like to extend  
5 your leave she has received approval for  
6 you to extend it through the end of the  
7 fall 2019 semester, right? You received  
8 that e-mail?

9 A. I see the e-mail here. I  
10 believe I received it.

11 Q. And you ultimately extended that  
12 leave; is that correct?

13 A. Yes. Not at my request.

14 Q. Well, you never submitted the  
15 fitness for duty certification that was  
16 required for your return in the fall  
17 semester, did you?

18 A. Again, there was a long dialogue  
19 between myself and Mary and my  
20 psychotherapist about the situation and  
21 how to resolve it.

22 Q. But it was after --

23 A. I was doing my best.

24 Q. To --

25 A. To insinuate that I did not want

1 BELANGER

2 to return to work is just false. I very  
3 much wanted to return to work.

4 Q. But by October 31, 2019 you  
5 still had not submitted the return to work  
6 certification?

7 A. That is correct. I had not  
8 submitted a return to work certification.  
9 I did not -- I did not have one to submit  
10 until I think February of -- or end of  
11 January of 2020.

12 Q. But you were continuously paid  
13 your full salary through that period of  
14 time, correct?

15 A. I don't know that I have any way  
16 to verify that.

17 Q. Are you disputing that --

18 MS. FRIEDFEL: Withdrawn.

19 Q. Are you claiming that you did  
20 not receive your full pay?

21 A. I am not in a position to say  
22 whether I did or didn't. The pay was,  
23 you know, being remitted a Chinese bank  
24 account, so I -- yes. I don't know.

25 Q. In January of 2020, you were

1 BELANGER

2 informed that your paid leave was going to  
3 end in February, on February 2, 2020; is  
4 that correct?

5 A. What date?

6 Q. I will show you the document.

7 MR. FRIEDFEL: This is Exhibit  
8 18. It is Bates stamped Defendants  
9 6299.

10 (Defendants' Exhibit 18 marked  
11 for identification.)

12 Q. If you would just read that  
13 first paragraph in the e-mail.

14 (Pause.)

15 A. Exhibit -- a different exhibit  
16 or --

17 Q. It is 18. I'm sorry. Exhibit  
18 18.

19 A. Okay.

20 (Pause.)

21 A. So the e-mail from Bradley?

22 Q. Yes.

23 A. Okay.

24 Q. Did you receive that e-mail at  
25 or about the time indicated?



1 BELANGER

2 A. I am still reading. Bear with  
3 me.

4 (Pause.)

5 A. Yes. I received this e-mail.

6 Q. And it was at that point that  
7 you produced your fitness for duty  
8 certification?

9 A. Shortly after that. I produced  
10 it by the February 2 deadline I believe.  
11 I mean this is -- this is at the time when  
12 Covid was breaking out, and it was kind of  
13 pandaemonium, and I was in ground zero for  
14 all of this. So --

15 Q. You were in Shanghai at that  
16 time?

17 A. I was in Shanghai. I left I  
18 believe January 26, 2020.

19 Q. And did you request any  
20 accommodations upon your return to work?

21 A. I did shortly thereafter if  
22 not -- I mean I certainly asked for some  
23 in advance of my return to work, and I  
24 certainly asked for some following my  
25 return to work.

1 BELANGER

2 Q. Okay. What accommodations did  
3 you request prior to your return to work?

4 A. I don't recall exactly what I  
5 requested before or -- versus after. I  
6 know that I did request a reassignment.  
7 I know that I did request a guide for the  
8 reappointment and promotion process. I  
9 requested deadline extensions.

10 Q. And did you do all of that in  
11 writing?

12 A. I am not sure if it was all in  
13 writing, but all of those things were  
14 expressed in writing at some point or  
15 another.

16 Q. Okay. And to whom did you  
17 communicate those requests?

18 A. To Mary and/or Kelly  
19 Colyer-Brown.

20 Q. Mary Signor that is?

21 A. Mary Signor. Yes.

22 Q. Are you aware of any faculty  
23 member who NYU Shanghai reassigned to NYU  
24 New York?

25 A. Reassigned in what way?

1 BELANGER

2 Q. In the way that you are  
3 requesting, whatever way you requested.

4 A. I don't believe I specifically  
5 asked to be reassigned to New York  
6 University. Just to New York.

7 Q. But how would you teach students  
8 at NYU Shanghai if you were in New York?

9 A. It was done throughout the  
10 pandemic, so clearly it could have been  
11 done.

12 Q. Prior to the pandemic, were any  
13 of your courses conducted remotely at NYU  
14 Shanghai?

15 A. Yes. I pioneered remote  
16 courses at NYU Shanghai as a pilot for the  
17 Low Residency program.

18 Q. I see.

19 So you mentioned reassignment,  
20 deadline extensions. Were there any other  
21 accommodation requests that you made?

22 A. I believe there were, but I  
23 don't recall off the top of my head.

24 Q. You were provided with an office  
25 chair and --

1 BELANGER

2 A. An office chair, correct.

3 Q. A standing desk; is that  
4 correct?

5 A. Eventually.

6 Q. And you made those requests in  
7 March of 2020, correct?

8 A. That sounds right.

9 Q. And you are aware that in March  
10 of 2020 the United States shut down as a  
11 result of the pandemic?

12 A. I was here, and I recall the  
13 circumstances that were going on around  
14 me. I don't -- I don't think that it is  
15 fair to say it shut down.

16 Q. Okay. You were able --

17 A. The pandemic certainly affected,  
18 you know, supply chains, but I think  
19 everyone continued their business  
20 including NYU.

21 Q. And you were provided with  
22 the -- but you were provided with the  
23 chair and the office furniture that you  
24 requested?

25 A. Eventually.

1 BELANGER

2 Q. Eventually. Do you have any  
3 reason to believe that anyone or any  
4 actions on the part of anyone at NYU or  
5 NYU Shanghai caused any delay in your  
6 receipt of any furniture items that you  
7 were requesting?

8 A. Yes. I mean I -- I don't know  
9 what took so long.

10 Q. You are aware that --

11 A. I would send e-mails, and weeks  
12 would go by without response. So I mean  
13 I -- if NYU was inadequately staffed for  
14 the situation, that is not my fault.

15 Q. Okay. But you recognize that  
16 between March -- during the period in the  
17 spring and summer of 2020 there were  
18 substantial supply chain issues  
19 particularly with respect to home office  
20 furniture?

21 A. I mean I don't know the  
22 particulars of whom office furniture, but  
23 --

24 Q. But basically every --

25 A. I know that --

1 BELANGER

2 Q. Everybody was working from home?

3 A. I know that NYU has a plethora  
4 of chairs that I requested. I mean I've  
5 seen them by the dozen on campus.

6 Q. To your knowledge, was the New  
7 York City campus open in the spring of  
8 2020 after March?

9 A. I don't know.

10 Q. You don't know.

11 For the summer or fall of 2020,  
12 was the campus open?

13 A. I don't know.

14 Q. Okay. You requested to teach  
15 remotely in the fall of 2020; is that  
16 right?

17 A. In the fall of 2020. I probably  
18 did. Yes.

19 Q. And you were permitted to do so?

20 A. I was.

21 Q. And do you recall what you  
22 taught?

23 A. I believe I was involved in a  
24 course with it Marcella La Godoy and a  
25 course with -- excuse me one second. I am

1 BELANGER

2 drawing a blank on the other faculty  
3 member's name at the moment.

4 Q. Did you --

5 A. But I was involved in two  
6 courses.

7 Q. Were you solely responsible for  
8 teaching any courses during that semester?

9 A. I don't believe so.

10 Q. Have alleged that the NYU  
11 Shanghai building was not accessible for  
12 people with disabilities; is that correct?

13 A. That's correct.

14 Q. And in what way were you  
15 impacted by this alleged lack of  
16 accessibility?

17 A. Beginning at the front door,  
18 which has a button for wheelchair access  
19 that does not allow wheelchair access.

20 Q. What do you mean it has a  
21 button, but it doesn't allow access?

22 A. Well, there is -- there was a  
23 revolving door at the campus, at the  
24 former campus that had a wheelchair symbol  
25 on it, but when you pressed it all it did

1 BELANGER

2 was slow the revolving door. There was  
3 no way to enter of one's own accord  
4 through the revolving door much less  
5 when -- when the button was pressed or  
6 not. In addition, the material in the  
7 driveway was very difficult to negotiate,  
8 to navigate, very painful. It was a  
9 textured material like a cobblestone type  
10 thing or brick. The elevators were very  
11 difficult to use. They were set in a way  
12 that required you to very quickly react or  
13 you would miss your chance. In the  
14 bathrooms I injured myself on more than  
15 one occasion trying to use the bathroom on  
16 the floors that I worked.

17 Q. Was this all during the period  
18 of time that you were in the wheelchair?

19 A. No.

20 Q. Okay. I think we established at  
21 the last session of your deposition I  
22 think you testified, and correct me if I  
23 am wrong, that you were in a wheelchair  
24 for approximately a week or two; is that  
25 right, or am I remembering that wrong?



1 BELANGER

2 A. I -- I think you are remembering  
3 wrong.

4 Q. So for how long were you in a  
5 wheelchair?

6 A. I don't recall exactly. I mean  
7 I was in and out of a wheelchair. I was  
8 in and out of walkers, canes. I would  
9 make progress, and then there would be a  
10 setback, and I would be back in  
11 a wheelchair. I had difficulty using the  
12 bathrooms throughout and into the last  
13 days of my time in the building.

14 Q. Okay. Are you claiming that  
15 you continued to have mobility issues --

16 A. I continue to have mobility  
17 issues up until last week.

18 Q. I see. Okay.

19 You have made allegations  
20 relating to your global network professor  
21 title. Is it your contention that that  
22 title entitled you to teach at NYU in New  
23 York?

24 A. NYU policy establishes an  
25 expectation for such teaching

1 BELANGER

2 arrangements.

3 Q. And what is the basis for that  
4 claim?

5 A. The policy says there are  
6 expectations for teaching in New York.

7 Q. Which policy says that?

8 A. There is a policy document that  
9 outlines various cross-appointments and  
10 the rights, duties, and privileges to  
11 those cross-appointments.

12 Q. That document says that you --  
13 as a global network professor that you are  
14 eligible to --

15 A. There is a second version that  
16 says eligible. There is an older version  
17 that was in effect until I believe 2020  
18 after I made my request that says that  
19 there is an expectation for such teaching  
20 assignments. There are two versions of  
21 that policy document.

22 Q. And did you --

23 A. They are both on the NYU web  
24 server to this day.

25 Q. Are you aware of any NYU

1 BELANGER

2 Shanghai faculty with the GMP title who  
3 was permitted to teach at NYU New York?

4 A. I have seen some who have, but  
5 I -- I don't recall their names at this  
6 time, but I have been aware of it as a  
7 thing.

8 Q. And do you know anything about  
9 the circumstances under which those  
10 arrangements were made?

11 A. No. I don't think so.

12 MS. FRIEDFEL: I am going to  
13 mark as the next exhibit Exhibit 19.  
14 It is a document -- a two-page  
15 document. I think it came from your  
16 production.

17 (Defendants' Exhibit 19 marked  
18 for identification.)

19 A. Yes.

20 Q. Earlier you testified that Vice  
21 Chancellor Lehman handed you a document,  
22 and that you found -- that you found to be  
23 harassing.

24 Is Exhibit 19 the document to  
25 which you were referring?

1 BELANGER

2 A. Yes.

3 Q. Okay. And what is it about  
4 this letter that you find to be harassing?

5 A. Lehman's statement that we our  
6 very troubled by your failures to meet  
7 your responsibilities as a faculty member  
8 including the incident that occurred on  
9 October 30, 2018 suggests that there were  
10 other shortcomings in my performance,  
11 which is just not true, and to suggest  
12 that I was somehow failing to meet my  
13 responsibilities as a faculty member that  
14 is harassing under the circumstances.

15 Q. You've said a number of times  
16 that Vice Chancellor Lehman reference to  
17 your -- to you or your condition as  
18 inconvenient.

19 Under what circumstances are you  
20 alleging that he said that?

21 A. It happened in e-mail, and it  
22 happened I believe sometime in 2019 after  
23 or around the time that I returned to  
24 Shanghai from the U.S., which may have  
25 been in March or it may have been in

1 BELANGER

2 April. He Suggested that I was  
3 inconveniencing.

4 Q. He suggested that you were  
5 inconveniencing the department by virtue  
6 of you not confirming whether you would be  
7 returning after the spring of 2019, right?

8 A. My ability to return was  
9 completely out of my hands.

10 Q. How was it out of your hands?

11 A. It is up to NYU to make a  
12 determination based on a letter from my  
13 doctor. How can I confirm something that  
14 I am not in control of?

15 Q. You had not signed your 2019  
16 appointment letter; isn't that right?

17 A. I believe that is correct. I  
18 missed an e-mail by a few days. The time  
19 span that I was given to respond was quite  
20 short, and I was in transit at that time.  
21 At least that is how I remember it.

22 MS. FRIEDFEL: I am going to  
23 mark this next exhibit, Exhibit 20,  
24 and it is Bates stamped Defendants  
25 7627 through 7632.

1 BELANGER

2 (Defendants' Exhibit 20 marked  
3 for identification.)

4 A. Exhibit 20. I have it open.

5 Q. Okay. Is this the  
6 correspondence in which you are alleging  
7 that Vice Chancellor Lehman called you an  
8 inconvenience?

9 (Pause.)

10 A. I see a passage here where Jeff  
11 says that "As you know, you already  
12 received an offer to extend your  
13 employment consistent with the terms  
14 provided to others. You then did not  
15 accept within the timeline provided, and  
16 your failure to accept your continued  
17 employment is making it very difficult to  
18 plan for the academic year ahead."

19 There may have been -- there may  
20 have been other occurrences or instances,  
21 but I see that here.

22 Q. What I am trying to understand  
23 is is this the e-mail that you're  
24 referring to when you talk about him  
25 referring to you as an inconvenience?

1 BELANGER

2 A. It is one. If -- there may be  
3 others.

4 Q. Okay. Can you think of what  
5 those others might be, how we might  
6 identify them?

7 A. Just to look.

8 Q. We did look, and we couldn't  
9 find them, and you continue to say that  
10 Dean Montoya, Provost Waley-Cohen and Vice  
11 Chancellor Lehman are not to contact you  
12 but inquire about you through other  
13 people.

14 What was the basis for your  
15 declaration that the vice chancellor, the  
16 provost, and the dean should not contact  
17 you any more?

18 A. Again, I felt as though the  
19 three of them in varying degrees were  
20 engaging in inappropriate and harassing  
21 communications and communications that  
22 were a danger to me frankly.

23 Q. A danger to you.

24 In Exhibit 20, are you alleging  
25 that this is an example of a such

1 BELANGER

2 harassing communication or communication  
3 that posed a danger to you?

4 A. I would need to read the entire  
5 thing. I don't know that you want to let  
6 me do that, but I can't -- this is a many  
7 page document.

8 Q. Yes.

9 Did Vice Chancellor Lehman ever  
10 say anything to you that you perceived to  
11 be a threat?

12 A. Certainly. He talked about  
13 termination.

14 Q. When did he talk about  
15 termination?

16 A. At various times.

17 Q. And you mean termination of your  
18 employment?

19 A. Yes.

20 Q. But in this communication in  
21 fact, he was giving you -- they had  
22 extended the deadline for you to respond  
23 to your offer of reemployment, right?

24 A. I mean I can't summarize the  
25 entirety of this 20 pages of e-mail



1 BELANGER

2 without reading it. Not 20, but however  
3 many pages it is.

4 Q. We can move on.

5 Other than these what you are  
6 claiming are threats to terminate your  
7 employment, did Vice Chancellor Lehman,  
8 Provost Waley-Cohen, or Dean Montoya make  
9 any other threats to you?

10 A. Montoya continued to contact me  
11 on my personal e-mail address even after I  
12 repeatedly asked her to stop. I  
13 perceived that to be a threat.

14 Q. How is that a threat?

15 A. Because it -- it elevated my  
16 blood pressure to a dangerous level.

17 Q. You were not checking or  
18 responding to e-mails on your work e-mail  
19 during the period of time during your  
20 leave; is that right?

21 A. Which leave?

22 Q. Between November 2018 and May  
23 2019.

24 A. I was responsive to e-mails  
25 generally at that time. I mean there may

1 BELANGER

2 have been some e-mails that I missed,  
3 but --

4 MS. FRIEDFEL: I am going to  
5 mark as the next exhibit a document  
6 bearing Bates stamp 9796 to 9797.

7 (Defendants' Exhibit 21 marked  
8 for identification.)

9 Q. Let's look at Exhibit No. 21.

10 A. Okay.

11 Q. You indicated a number of times  
12 during the course of the deposition today  
13 that Provost Waley-Cohen had referred to  
14 you or referred to you as not being fit  
15 for duty I suppose.

16 My question to you, and I ask  
17 you to read the e-mail, is: Is this the  
18 e-mail to which you are referring?

19 (Pause.)

20 A. The final sentence of the  
21 first -- the numbered paragraph implies  
22 that I am not fulfilling my administrative  
23 responsibilities and questions my ability  
24 to lead IMA.

25 Q. Is this in fact the e-mail that

1 BELANGER

2 you are referring to when you say she  
3 questioned your fitness?

4 A. That is an e-mail that questions  
5 my fitness.

6 Q. I am sorry. I didn't  
7 understand what you just said. Could you  
8 repeat that?

9 A. That is an e-mail that questions  
10 my fitness.

11 Q. Okay. Were there any others?

12 A. There may be.

13 Q. Okay. Can you recall any  
14 others?

15 A. At this time, no.

16 Q. You have made allegations about  
17 your --

18 MS. FRIEDFEL: Withdrawn.

19 Q. Are you alleging that you were  
20 precluded from taking a sabbatical?

21 A. Yes.

22 Q. And are you claiming that that  
23 was in some way discriminatory or  
24 retaliatory?

25 A. I believe it was.

1 BELANGER

2 MS. FRIEDFEL: I am going to  
3 mark the next exhibit, which will be  
4 22. This is a one-page document  
5 Bates stamped 8113.

6 (Defendants' Exhibit 22 marked  
7 for identification.)

8 Q. Do you see that document, Mr.  
9 Belanger?

10 A. I do.

11 Q. Exhibit 22 is the sabbatical  
12 proposal that you submitted?

13 A. It is the sabbatical proposal  
14 that I submitted.

15 Q. Had you submitted other  
16 sabbatical proposals other than that one?

17 A. I had certainly submitted other  
18 requests. I don't recall whether they  
19 were accompanied by a proposal or not or  
20 whether it was even communicated to me  
21 that I needed to submit a proposal, but I  
22 did request on multiple occasions  
23 sabbatical.

24 Q. And you understood though that  
25 you needed to submit a proposal in order

1 BELANGER

2 to be granted sabbatical, right?

3 A. That was not clear. I don't  
4 believe there is any communication to that  
5 effect until I was asked to submit this  
6 one.

7 Q. Are you aware of any other  
8 faculty who were granted sabbatical  
9 without having to submit a proposal?

10 A. I knew other faculty were  
11 granted leaves.

12 Q. My specific question is a  
13 sabbatical.

14 A. A sabbatical is a type of leave.

15 Q. But my specific question is were  
16 you aware of other faculty who got  
17 sabbatical leave without submitting a  
18 sabbatical leave proposal?

19 A. I wouldn't be aware because  
20 those proposals wouldn't have been  
21 submitted to me.

22 MS. FRIEDFEL: I will mark  
23 another exhibit, which is Exhibit 23,  
24 e-mail correspondence from Maria  
25 Montoya to you Bates stamped

1 BELANGER

2 Defendants 8111.

3 (Defendants' Exhibit 23 marked  
4 for identification.)

5 A. Okay.

6 Q. Did you receive this e-mail on  
7 or about February 3?

8 A. I don't recall receiving it.

9 Q. Do you have any reason to doubt  
10 that you received the e-mail?

11 A. Again, I don't recall receiving  
12 it.

13 Q. Your NYU e-mail address was in  
14 fact MB1065@NYUEDU?

15 A. It is.

16 Q. And do you have any reason to  
17 believe that a sabbatical had been granted  
18 to anybody else in order to form another  
19 organization, an independent organization?

20 A. Say that again.

21 Q. You will see there is a sentence  
22 here in the second paragraph --

23 A. Back on Exhibit 22?

24 Q. 23. It says -- in the second  
25 paragraph in the fourth line down, there

1 BELANGER

2 is a sentence that starts "Sabbatical  
3 leaves are not granted for the purpose of  
4 taking employment elsewhere or for  
5 creating independent organizations that  
6 compete with or engage in activities that  
7 a faculty should be carrying out for the  
8 university."

9 Do you see that?

10 A. Yes. Okay.

11 Q. Do you have any reason to  
12 believe that that statement is not true?

13 A. I mean I don't believe that it  
14 was employment or it competed with NYU.

15 Q. So your claim is that the  
16 proposal that you had submitted was not in  
17 fact competing with NYU?

18 A. Let me read the proposal.

19 Q. Sure. It is Exhibit 22.

20 (Pause.)

21 A. I don't believe that this is  
22 employment elsewhere, and I don't believe  
23 that it is anything that competes with  
24 NYU.

25 Q. NYU Shanghai was an educational

1 BELANGER

2 organization; is that right?

3 A. Yes.

4 Q. And it engaged in research and  
5 practice with respect to emerging media;  
6 is that correct?

7 A. Yes.

8 Q. Okay. Do you have any reason  
9 to believe that the denial of your  
10 sabbatical application was discriminatory  
11 or retaliatory in any way?

12 A. I do.

13 Q. And what is the basis of that  
14 belief?

15 A. Prior to this proposal I had  
16 been told that I would be allowed to take  
17 a sabbatical at the time of my choosing,  
18 and I -- I wasn't allowed to do that.

19 Q. In 2020, you had submitted  
20 basically the same proposal; is that  
21 correct?

22 A. I am not sure what you mean.  
23 I'm sorry.

24 Q. Well, in the e-mail from Dean  
25 Montoya, she says I notes that is the same



1 BELANGER

2 proposal interest that you submitted in  
3 April 2020 and it does not include any of  
4 the recommended changes. Do you see  
5 that?

6 A. I see that sentence, yes.

7 Q. Does that refresh your  
8 recollection that you basically had  
9 submitted the same proposal in April of  
10 2020?

11 A. I don't recall when.

12 Q. But you had previously submitted  
13 the same proposal?

14 A. I don't recall.

15 Q. Prior to November 2018, have you  
16 maintained the servers on which the IMA  
17 students' work was maintained?

18 A. Say the question again.

19 Q. I'll rephrase it.

20 Did IMA have servers where the  
21 students' work was maintained?

22 A. Yes.

23 Q. And where are those servers  
24 housed?

25 A. The colocation facility.

1 BELANGER

2 Q. And was that through NYU or  
3 through another entity?

4 A. It was done by myself.

5 Q. Okay. And so you were the  
6 person who maintained the credentials to  
7 access those servers; is that correct?

8 A. Yes.

9 Q. And after the October 30, 2018  
10 incident with Anna Greenspan, were you  
11 asked to provide those credentials to your  
12 colleagues?

13 A. I believe I was.

14 Q. And you did not provide those  
15 credentials; is that correct?

16 A. I did not.

17 MS. FRIEDFEL: Why don't we  
18 take a quick five-minute break, if  
19 that is okay with everybody.

20 (Recess taken.)

21 BY MS. FRIEDFEL:

22 Q. The address listed on your  
23 complaint is 447 Broadway, Second Floor,  
24 No. 345, New York.

25 If I were to go to that address,

1 BELANGER

2 what would I find there?

3 A. A coworking space.

4 Q. And do you receive mail there?

5 A. I do.

6 Q. And how is that mail transmitted  
7 to you?

8 A. Varying ways. I can request  
9 documents to be scanned or forwarded to  
10 me.

11 Q. But you don't physically go  
12 there and pick them up?

13 A. I've done that before, too.

14 Q. And for how long have you had  
15 the capacity to use that address?

16 A. I am not sure. I had a similar  
17 address before that.

18 Q. And what was that similar  
19 address?

20 A. I don't recall.

21 Q. Okay. But it was another  
22 coworking space?

23 A. This was not a coworking space.  
24 It was as you just said a mail handling  
25 service.

1 BELANGER

2 MS. FRIEDFEL: I am now going  
3 to mark another exhibit, Exhibit 24.  
4 (Defendants' Exhibit 24 marked  
5 for identification.)

6 A. Okay.

7 Q. You testified that there is a  
8 policy on the global network professor  
9 title that suggests that there is a  
10 teaching expectation.

11 I am going to direct you to what  
12 is page 6 on the lower right corner of the  
13 document.

14 A. Okay.

15 Q. You're talking about -- when you  
16 refer to the word expectation, is this  
17 here enumerated I guess line on the chart  
18 6 "expectations for teaching, training,  
19 mentoring in both units," is that what you  
20 were referring to?

21 A. This table is available as  
22 another document, separate document.

23 Q. Okay. But it is the same table?

24 A. Well, there are at least two  
25 versions of that I am aware of.

1 BELANGER

2 Q. And other than in the table, is  
3 there any other place where there is a  
4 reference to an expectation with respect  
5 to teaching?

6 A. I don't recall.

7 Q. The header on this document --

8 MS. FRIEDFEL: Withdrawn.

9 I am going to mark another  
10 document. I am marking this as  
11 Exhibit 25, a document bearing Bates  
12 stamp Defendants 128 to 129.

13 (Defendants' Exhibit 25 marked  
14 for identification.)

15 A. Exhibit 25?

16 Q. Yes.

17 A. Okay.

18 Q. I am going to ask you to review  
19 the document and let me know if you  
20 received it in January of 2021.

21 (Pause.)

22 A. Okay.

23 Q. Do you contest the accuracy of  
24 any of the statements made in this letter?

25 A. Most likely.

1 BELANGER

2 Q. Can you identify which ones?

3 A. I did relinquish control of the  
4 NYU Shanghai in my Facebook page to  
5 Marcella La Godoy. She had been the  
6 person maintaining it.

7 Q. When did you do that?

8 A. I don't recall. I don't recall,  
9 but I did. I contest that it says that I  
10 failed to turn in or finalize my classes  
11 in a timely manner in spring of 2020 and  
12 fall of 2021 semesters. As Christian  
13 Greuel and Amy Becker can attest, I was  
14 working diligently on my proposals for  
15 those semesters.

16 Q. Did you provide any --

17 A. In 2021 I was on a medical leave  
18 I believe.

19 Q. Spring of 2021. This letter is  
20 dated January 8 of 2021.

21 A. Okay. The supposition that I  
22 refused to check my NYU Shanghai e-mail,  
23 there was no such thing as an NYU Shanghai  
24 e-mail.

25 Q. You have an e-mail address that

1 BELANGER

2 was issued to you by virtue of your  
3 employment at Shanghai NYU?

4 A. That is not correct.

5 Q. So employees of NYU Shanghai are  
6 not issued e-mail addresses?

7 A. I can't speak to that, but I  
8 could tell you that the e-mail address  
9 that I had no relationship to NYU  
10 Shanghai.

11 Q. Because it is the same address  
12 that you had when you were a student at  
13 NYU?

14 A. It is the same address that I  
15 had since I was a student at NYU.

16 Q. Okay. And it is the official  
17 form of communication for NYU Shanghai  
18 employees through an NYU.EDU e-mail  
19 address, correct?

20 A. I don't know.

21 Q. Is there a policy in that  
22 regard?

23 A. I've seen other faculty member  
24 communications using personal addresses,  
25 and I have seen communication happen

1 BELANGER

2 through We Chat and other types of text  
3 messaging, and so I -- I don't know.

4 Q. Did you provide any evidence to  
5 the disciplinary committee that was  
6 reviewing this --

7 A. I did not, but I am not done. I  
8 am not done. I had an away message when  
9 I was on sick leave. Just to be accurate,  
10 medical leave. I thought I had disabled  
11 that. It turned out that I had changed  
12 the setting in some way that I didn't  
13 fully comprehend and the messages  
14 continued to go out. When I was notified  
15 of that, I acted and made a change to the  
16 message. I was unable to use multifactor  
17 authentication, and I disagree that my  
18 conduct was unprofessional or  
19 inappropriate, and that it consistently  
20 fell short. To answer your question, I  
21 did not provide any evidence.

22 Q. Why not?

23 A. I did not receive this e-mail.

24 Q. Do you have any reason to  
25 believe it was not actually sent to your



1 BELANGER

2 NYU e-mail address?

3 A. I don't know.

4 Q. Did you receive the  
5 communications that are referenced in it?

6 A. I don't recall.

7 Q. You were invited to renew your  
8 contract of employment beyond 2022; is  
9 that correct?

10 A. I don't know.

11 Q. Did you apply to renew your  
12 contract beyond May 2022?

13 A. I did in 2018.

14 Q. Right. And in 2018 your renewal  
15 was approved, and your contract was  
16 extended from 2019 to 2022, correct?

17 A. It should have been for longer.

18 Q. It was approved for 2022,  
19 correct?

20 A. I believe so.

21 Q. And you were told repeatedly of  
22 the deadline to request renewal, correct?

23 A. I don't know.

24 Q. You don't know.

25 You were aware that in order to

1 BELANGER

2 renew your contract you needed to request  
3 renewal?

4 A. I had asked for multiple  
5 accommodations with respect to my contract  
6 renewal.

7 Q. That is not my question. My  
8 question is you knew that in order to have  
9 your contract renewed you had to request  
10 review for renewal?

11 A. I mean that is inconsistent with  
12 what the dean had conveyed to me in a  
13 meeting.

14 Q. When did the dean convey to  
15 you -- when was this meeting?

16 A. It was with respect to the  
17 grievance that I raised, and I provided a  
18 recording of it.

19 Q. The grievance that you raised in  
20 2018?

21 A. Correct.

22 Q. What does the grievance that you  
23 raised in 2018 have to do with the renewal  
24 of your contract in 2022?

25 A. Because it specifies the ways in

1 BELANGER

2 which the reappointment or promotion  
3 should be conducted in the future.

4 Q. I am sorry. I don't  
5 understand. Can you explain what you mean  
6 by that?

7 A. What was asked of me in the  
8 future was inconsistent with what had been  
9 expressed to me in the past.

10 Q. Okay. And what was expressed  
11 to you in the past?

12 A. That I could receive the  
13 promotion under the Tisch guidelines  
14 without the need to go through the process  
15 again or that I could go up for promotion  
16 under the Tisch guidelines.

17 Q. That is with respect to  
18 promotion, not contract renewal?

19 A. They are basically the same  
20 process.

21 Q. Did you request promotion in  
22 2021 or 2022?

23 A. I requested promotion as far  
24 back as 2016 or '17 repeatedly.

25 Q. My question is did you submit a

1 BELANGER

2 request and a packet for review for  
3 promotion in 2021 or 2022?

4 A. I did not.

5 Q. Okay. And did you submit a  
6 packet for review for renewal of your  
7 contract in 2021 or 2022?

8 A. I did not.

9 Q. Are you alleging in this lawsuit  
10 that there is anything unlawful about the  
11 fact that your employment contract was not  
12 renewed beyond 2022?

13 A. I don't recall whether that is  
14 part of this particular lawsuit or my  
15 charge that is currently being  
16 investigated by the EEOC.

17 Q. And what is the basis for your  
18 claim that you were -- that there was  
19 something unlawful about the fact that  
20 your contract was not renewed beyond 2022?

21 A. Well, the clerical error that  
22 was identified by Maria Montoya previously  
23 should have been corrected, and my  
24 contract should have been for a longer  
25 duration than what was given to me. She

1 BELANGER

2 had multiple chances to correct this  
3 clerical error in accordance with how she  
4 stipulated. I am not sure why she didn't.  
5 We will have to depose her to find out.

6 Q. Again, that relates to your  
7 promotion in 2018. How is that suggesting  
8 that anything was unlawful about your  
9 nonrenewal of your contract in 2022?

10 A. I mean I requested a number of  
11 accommodations including to be able to use  
12 personal e-mail in certain circumstances  
13 and other forms of communication, and I  
14 requested a guide to be provided in the  
15 reappointment and promotion process. A  
16 guides is a part of policy, Tisch policy.  
17 I believe it is completely reasonable  
18 under the circumstances especially.

19 Q. And for what disabilities were  
20 you seeking such an accommodation?

21 A. For anxiety and -- and  
22 depression and other things that have been  
23 identified by my doctors.

24 Q. And did you submit medical  
25 documentation of your need for such an

1 BELANGER

2 accommodation?

3 A. I believe that I did.

4 Q. And to whom did you submit that  
5 documentation?

6 A. It would have been submitted to  
7 Mary Signor or Kelly Colyer-Brown.

8 Q. As to these accommodations that  
9 you are alleging you applied for, all of  
10 your communications with Kelly  
11 Colyer-Brown were by e-mail; is that  
12 correct?

13 A. I believe so.

14 Q. And with Mary Signor with  
15 respect to any requests for accommodation  
16 that you made, were all of those  
17 communications by e-mail?

18 A. Not necessarily.

19 Q. How else did you communicate  
20 with her?

21 A. I believe we spoke on the phone  
22 or by Skype.

23 Q. You testified earlier I believe  
24 that you had applied for positions at NYU;  
25 is that correct?

1 BELANGER

2 A. Yes.

3 Q. And I didn't ask which positions  
4 did you apply for?

5 A. I applied for a position -- it  
6 was applied through NYU, but it was a  
7 directorship position at NYU in Tokyo  
8 through the School of Continuing and  
9 Professional Studies. I applied to  
10 multiple positions at Stern and multiple  
11 positions at Tisch.

12 Q. And how did you apply for those  
13 positions?

14 A. I applied through whatever means  
15 was required by the job listing.

16 A. I don't recall specifically with  
17 each case, but I applied.

18 Q. And were you offered an  
19 interview for any of those positions?

20 A. I don't think so. I don't  
21 think so.

22 Q. Do you have any basis to believe  
23 that the fact that you were not invited to  
24 an interview was discriminatory or  
25 retaliatory?

1 BELANGER

2 A. I do. What is the basis for  
3 that belief?

4 A. Well, in each case it was after  
5 reporting Montoya and Waley-Cohen for  
6 discrimination, and I believe that -- that  
7 they have made it impossible for me to get  
8 work in New York.

9 Q. And what is the basis of your  
10 belief that they made it impossible for  
11 you to get work in New York?

12 A. I mean they certainly spoke  
13 poorly of me -- well, I should say Joanna  
14 Waley-Cohen certainly spoke poorly of me  
15 with respect to Daniel O'Sullivan, who is  
16 in charge of ITP in IMA in New York or was  
17 so until recently. It would make it  
18 pretty hard for me to get work in New  
19 York.

20 Q. And other than what you  
21 testified earlier, do you have any more  
22 information about what she allegedly said  
23 about you to Daniel O'Sullivan?

24 A. You would have to ask him.

25 Q. And did you apply for any



1 BELANGER

2 positions that were outside of ITP?

3 A. I applied to positions at Stern.  
4 Stern is outside of ITP.

5 Q. And those positions at Stern, do  
6 you have any reason to believe that you  
7 were not invited for an interview based on  
8 -- due to some discriminatory or  
9 retaliatory reason?

10 A. I believe that -- that it is,  
11 yes.

12 Q. And what is the basis of that  
13 belief?

14 A. I believe people have talked  
15 about me, and that I am on a black list.

16 Q. What is the basis of that  
17 belief?

18 A. It just the basis.

19 Q. Do you have any facts or  
20 information other than what you've already  
21 testified that would support your  
22 contention that you were not invited to  
23 interview for any of the positions at NYU  
24 for which you applied due to  
25 discrimination or retaliation?

1 BELANGER

2 A. I believe that my track record  
3 within the university was stellar. You  
4 know, everyone else compared to myself has  
5 successfully found employment in New York  
6 at NYU, again, with a less stellar service  
7 record to the university than myself in  
8 most cases.

9 Q. Any other facts or information  
10 besides that?

11 A. I can't recall right now.

12 Q. Did you apply for any positions  
13 outside of NYU?

14 A. I have.

15 Q. And where have you applied?

16 A. I don't recall exactly. I have  
17 applied to many dozens.

18 Q. Can you name any of the  
19 institutions to which you applied?

20 A. I have applied to University of  
21 Texas, Austin. I have applied to jobs at  
22 Williams College. I have applied  
23 to -- let's see. I think I applied for a  
24 job at -- I can't recall all of them.

25 Q. Do you have any records of any

1 BELANGER

2 of these applications?

3 A. I applied to STLU, Liverpool  
4 University.

5 Q. And were you invited for  
6 interviews at any of these institutions?

7 A. I -- I interviewed at STLU. I  
8 can't recall which other ones I  
9 interviewed for or didn't.

10 Q. Were you offered a position at  
11 any of these places where you applied?

12 A. I have not been offered a  
13 position anywhere.

14 Q. And have you only been applying  
15 for teaching positions or have you applied  
16 for other types of jobs?

17 A. I believe I applied for other  
18 types of jobs.

19 Q. And have you gotten any offers  
20 for any of those other types of jobs?

21 A. No.

22 Q. Were you offered any interviews  
23 that you turned down?

24 A. Recently I was at the interview  
25 stage for a position at a university, and

1 BELANGER

2 I declined to move forward as a candidate.

3 Q. What university is that?

4 A. I forget the name. It is in  
5 Doha.

6 Q. And why did you turn down the  
7 interview?

8 A. There was some personal factors.  
9 I did not want to be separated from my  
10 wife, which is what would have occurred if  
11 I had taken the job. I am also not  
12 confident to work abroad given my  
13 condition, and a contact at the university  
14 also reached out to me to express that  
15 they were leaving.

16 Q. Is it true that you  
17 intentionally traveled extensively while  
18 you were living in China to avoid Chinese  
19 tax obligations?

20 A. That was a motivation among  
21 others.

22 Q. I believe you said that you have  
23 been married since -- was it October or  
24 November of last year?

25 A. November of last year.

1 BELANGER

2 Q. November of last year. Okay.

3 And did you date your wife before you  
4 married her?

5 A. Yes.

6 Q. And were you engaged for a  
7 period of time?

8 A. Yes.

9 Q. For how long were you engaged  
10 before you got married?

11 A. Since 2020.

12 Q. Okay. And how long did you  
13 date before you got engaged?

14 A. We began dating in 2016.

15 Q. Okay. So earlier when I asked  
16 you about your -- when your relationship  
17 with Mary Anne Petite -- your partnership  
18 with Mary Anne Petite ended you testified  
19 that it was in November of 2022?

20 A. That's correct.

21 Q. So you continued in your  
22 partnership with Mary Anne Petite  
23 throughout the period of time that you  
24 were dating and engaged to your current  
25 wife?

1 BELANGER

2 A. We had a domestic partnership,  
3 yes, Mary Anne Petite and I.

4 Q. And that domestic partnership  
5 was legally dissolved in December of 2022?

6 A. That's correct.

7 Q. And when did you end your -- I  
8 don't know. With a domestic partnership,  
9 is there a separation? When did you stop  
10 cohabitating?

11 A. I don't recall.

12 Q. Was it before or after you  
13 started dating your current wife?

14 A. I don't recall.

15 Q. Was it before or after you  
16 became engaged to your current wife?

17 A. It was before.

18 Q. During your employment with NYU  
19 Shanghai, who gave you your work  
20 assignments?

21 A. It came from multiple people.  
22 The dean, whether it was David Fitch or  
23 Joanna Waley-Cohen or Maria Montoya, Mary  
24 Anne Petite was there with me from the  
25 beginning.

1 BELANGER

2 Q. What was Mary Anne Petite's role  
3 at that time?

4 A. She was director of IMA.

5 Q. Anybody else?

6 A. I am -- everything that I did  
7 was also -- I can't say everything. Many  
8 of the things that I did were with respect  
9 to the Low Residency program were in  
10 consultation or at the direction of Daniel  
11 O'Sullivan.

12 Q. And who determined your  
13 compensation in your employment at NYU  
14 Shanghai?

15 A. I don't know.

16 Q. Who evaluated your performance?

17 A. My performance was not evaluated  
18 until some years into my employment. At  
19 which point I don't know who evaluated my  
20 performance. It is all a black box.

21 Q. You objected to the request that  
22 you submit the fitness for duty  
23 certification; is that correct?

24 A. I did.

25 Q. And what was the basis for your

1 BELANGER

2 objection?

3 A. I didn't feel that it was  
4 lawful.

5 Q. And how was it unlawful?

6 A. Well, it is my understanding  
7 that in China the party that alleges a  
8 lack of fitness, it is their  
9 responsibility to provide the evidence,  
10 not the other way around.

11 Q. And are there any other --

12 A. I also felt that it was  
13 discriminatory.

14 Q. Discriminatory how?

15 A. My complaint.

16 Q. And how was it discriminatory?

17 A. As opposed to offering some  
18 administrative leave or something else I  
19 was forced to choose between a medical  
20 leave and told that I needed to take the  
21 medical leave.

22 Q. Okay. And that was  
23 discriminatory how?

24 A. Because I don't feel like I  
25 needed a medical leave, and I don't feel



1 BELANGER

2 like anyone in the building was qualified  
3 to evaluate whether I needed a medical  
4 leave or not.

5 Q. Are you claiming that that  
6 determination that it would be a medical  
7 leave was discriminatory on the basis of a  
8 protected characteristic?

9 A. Yes, disability.

10 Q. And which disability -- was  
11 there a particular disability that you  
12 thought it related to?

13 A. My anxiety. I wasn't clear if  
14 it also relates to my other physical  
15 issues, but NYU Shanghai wouldn't say.

16 Q. You had expressed that you felt  
17 that your anxiety had been a contributing  
18 factor to your behavior on October 30,  
19 2018, correct?

20 A. I have expressed that.

21 Q. Are you claiming that you  
22 suffered from emotional distress as a  
23 result of the Defendants' actions?

24 A. I did.

25 Q. And when did you begin to suffer

1 BELANGER

2 emotional distress as a result of the  
3 Defendants' actions?

4 A. Beginning in April of 2017 I  
5 believe. March or April of 2017.

6 Q. And how did that emotional  
7 distress manifest?

8 A. You mean -- what do you mean?

9 Q. I mean what did you suffer from,  
10 what particular symptoms?

11 A. Yes. Look at my medical  
12 records.

13 Q. Well, I am asking you to explain  
14 what symptoms you believe were  
15 attributable to the actions of the  
16 Defendants?

17 A. Spontaneous vomiting among  
18 others.

19 Q. What else?

20 A. High blood pressure, inability  
21 to concentrate.

22 Q. Anything else?

23 A. It is in my medical records,  
24 ma'am.

25 Q. You did not produce all of your

1 BELANGER

2 medical records, correct?

3 A. I produced all of the relevant  
4 medical records and many that were not  
5 relevant.

6 Q. Well, I am asking you now to  
7 identify all of the symptoms that you  
8 believe are attributable to the conduct of  
9 the defendants.

10 A. Again, I am telling you my  
11 medical records are a place to go for  
12 that.

13 Q. Your medical records don't  
14 reflect the relationship between the  
15 symptoms and the actions of the  
16 Defendants, correct?

17 A. They sometimes do.

18 Q. When did you begin to suffer  
19 from spontaneous vomiting?

20 A. I believe it happened -- started  
21 to happen in 2019.

22 Q. And how frequently did you  
23 suffer that symptom?

24 A. It is variable. Sometimes --  
25 sometimes several times a day and

1 BELANGER

2 sometimes not for some weeks or months.

3 Q. And did that symptom resolve at  
4 some point?

5 A. No.

6 Q. Did it get better at some point?

7 A. No. It has periods of time it  
8 improves, but I have -- I have had issues  
9 with it recently.

10 Q. But it has improved at different  
11 periods of time?

12 A. It has improved, and it has  
13 gotten beter and improved and gotten  
14 worse.

15 Q. And you said that it has gotten  
16 worse recently?

17 A. Yes.

18 Q. When did it get worse?

19 A. Sometime in relationship to  
20 discovery demands and other aspects of  
21 this litigation and with respect to  
22 dealing with triggering material.

23 Q. What about your high blood  
24 pressure, when did that begin?

25 A. I am not sure. I don't recall.

1 BELANGER

2 Q. Do you take medication for your  
3 blood pressure?

4 A. I do.

5 Q. When did you start taking that  
6 medication?

7 A. I am notice sure. Most likely  
8 in 2020 sometime.

9 Q. Is it managed with medication?

10 A. Medication has helped.

11 Q. And your difficulty  
12 concentrating, when did that begin?

13 A. Prior to my diagnosis with  
14 respect to adjustment disorder, anxiety  
15 disorder, et cetera, which was in 2018 I  
16 believe.

17 Q. You have had other significant  
18 stressors in your life other than as it  
19 might relate to your employment with NYU  
20 Shanghai; is that correct?

21 A. My father passed away last year.

22 Q. I am very sorry to hear that.

23 Other than your father, do you  
24 have any other loved ones who suffered  
25 from any major illness since 2017?

1 BELANGER

2 A. I have had friends pass away  
3 unexpectedly. I don't know what illness  
4 they may have had or not had. One friend  
5 had cancer and passed away suddenly.

6 Q. And have you ever been  
7 hospitalized for your mental health?

8 A. I was not an inpatient, but I  
9 did go to the emergency room.

10 Q. When did you go to the emergency  
11 room for your mental health?

12 A. Sometime in 2020 right around  
13 the time I was resuming work and being  
14 reexposed to e-mails from Maria Montoya.

15 Q. Are you seeking any compensation  
16 for lost wages in this lawsuit?

17 A. I would like to.

18 Q. In your amended complaint, you  
19 stated that you're seeking damages in the  
20 sum of \$300,000 in connection with your  
21 claims.

22 What is the basis for that claim  
23 for damages?

24 A. I don't recall at the time that  
25 I made that calculation.

1 BELANGER

2 Q. Other than for emotional  
3 distress, was there any other component to  
4 that \$300,000?

5 A. I am not sure.

6 Q. Do you still experience trouble  
7 concentrating?

8 A. Absolutely.

9 Q. Did you experience trouble  
10 concentrating prior to 2018?

11 A. No.

12 Q. You mentioned that you take  
13 blood pressure medication. Which  
14 medication is that?

15 A. Lisinopril.

16 Q. Do you take other medications?

17 A. I take over the counter pain  
18 medicine, often Advil dual action or, you  
19 know, the generic. I take a lot of  
20 supplements. I don't know if you are  
21 interested in those or not.

22 Q. Supplements meaning like  
23 vitamins?

24 A. Yes, vitamins, that sort of  
25 thing. And I take it -- recently I have

1 BELANGER

2 been taking cyclobenzaprine. I am not  
3 sure if I am pronouncing that correctly.  
4 It is a muscle relaxer prescribed by  
5 my -- by a doctor to deal with a recent  
6 flare up in my lower back. I also take  
7 CBD oil routinely.

8 Q. And the supplements, what  
9 supplements do you take?

10 A. I take vitamin D as we all  
11 should, and I take vitamin B12 because I  
12 have a vegetarian diet and could use a  
13 little more of that, and I take calcium,  
14 magnesium and zinc, and I have started  
15 recently taking an Algee-based Omega 3,  
16 which I had taken in the past, but when I  
17 went to back to China I ran out of it.

18 Q. Anything else?

19 A. I take Garlique too for the  
20 blood pressure formula of that.

21 Q. Garlique you said?

22 A. Garlique.

23 Q. With a G?

24 A. Yes.

25 Q. You referenced CBD oil. Is



1 BELANGER

2 that prescribed?

3 A. No. It is not prescribed.

4 Q. Are you aware of whether Daniel  
5 Mikesell has any disability?

6 A. I am not -- I am not aware if he  
7 has a disability, but I am aware of -- I  
8 am aware of some health situations with  
9 him.

10 Q. And did any of those -- do you  
11 know when those began?

12 A. I do not.

13 Q. And to your knowledge has Daniel  
14 Mikesell ever made a complaint of  
15 discrimination against anyone at NYU  
16 Shanghai?

17 A. I don't know.

18 Q. I need to take a 15-minute  
19 break.

20 A. Sure.

21 (Recess taken.)

22 BY MS. FRIEDFEL:

23 Q. I just have a few more  
24 questions, Mr. Belanger.

25 A. Okay.

1 BELANGER

2 Q. Are you alleging that you  
3 suffered any physical injuries as a  
4 result of the conduct of the Defendants?

5 A. I did.

6 Q. And what physical injury are you  
7 claiming that you suffered?

8 A. I injured myself on multiple  
9 occasions while trying to use the toilet,  
10 the bathroom.

11 Q. When was the first time?

12 A. When I was in the wheelchair and  
13 another time following that, maybe another  
14 time as well. Three times.

15 Q. Three times?

16 A. Yes.

17 Q. And what was the nature of your  
18 injury?

19 A. Well, I -- I injured my back.

20 Q. You injured your back in the  
21 bathroom?

22 A. Yes.

23 Q. Okay.

24 A. The same for each of those three  
25 occasions? That was the injury that you

1 BELANGER

2 injured your back?

3 A. Yes.

4 Q. And did you have to seek medical  
5 treatment with respect to those injuries?

6 A. Most likely, yes. Either  
7 physical therapy or some other, you know,  
8 type of treatment.

9 Q. And how do you know that the  
10 need for the treatment was related to the  
11 actions of the Defendants?

12 A. Well, the campus was not  
13 accessible to the degree that it needed to  
14 be.

15 Q. And what about the  
16 inaccessibility? Like in what way was it  
17 inaccessible that led to an injury?

18 A. The bathroom -- the bathrooms on  
19 the eighth and ninth floors and I assume  
20 other bathrooms, and I didn't do a grand  
21 tour of bathrooms in the building, but the  
22 ones that I frequently relied on have  
23 handrails that are really not able to be  
24 used from the -- from a wheelchair,  
25 certainly from a wheelchair, and the flush

1 BELANGER

2 mechanism on the toilet is very difficult  
3 to reach, very difficult to use, and so  
4 bending over was cause for injury.

5 Q. And you said that the injuries  
6 occurred on three occasions, and that was  
7 in 2017?

8 A. They were not all in 2017. I  
9 know that other injuries occurred in 2018.

10 Q. And can you specify a month?

11 A. I might if I looked at e-mail  
12 records.

13 Q. It would have been prior to  
14 October of 2018, right?

15 A. It would have been.

16 Q. Is it your contention that the  
17 request for medical documentation to  
18 substantiate the need for reasonable  
19 accommodation is unlawful?

20 A. I am not sure.

21 Q. Okay. Are you contending that  
22 you --

23 A. I am not a lawyer, but yes.

24 Q. Are you contending that the  
25 request that you provide medical

1 BELANGER

2 documentation relating to your request for  
3 accommodation was in some way  
4 discriminatory or retaliatory?

5 A. Can you state the question  
6 again?

7 Q. Sure.

8 Are you alleging that you were  
9 retaliated against or discriminated  
10 against in so far as you were asked to  
11 provide medical documentation in  
12 connection with your request for  
13 accommodation?

14 A. Perhaps. Yes.

15 Q. And what is the basis of that?

16 A. I am not sure at this  
17 point -- at this time.

18 Q. Do you have any facts or  
19 information you are relying upon with  
20 respect to your contention that there was  
21 something discriminatory or retaliatory  
22 about that?

23 A. I am not sure.

24 Q. Were you the administrator of  
25 the IMA Facebook page?

1 BELANGER

2 A. I believe so.

3 Q. You said that you provided  
4 credentials to Marcella La Godoy, correct?

5 A. I provided her with -- I believe  
6 I provided her with administrator access  
7 to the page.

8 Q. Okay. And did you continue to  
9 maintain administrator access?

10 A. I don't recall if I have ongoing  
11 administrative access or not. I haven't  
12 really engaged in Facebook in a good long  
13 while.

14 Q. Okay. In your complaint you  
15 allege that between April 2019 and January  
16 of 2021 multiple men most of them white  
17 have been discriminated against,  
18 retaliated against, and/or were harassed  
19 by Montoya following their participation  
20 in protected activity.

21 To whom are you referring?

22 A. Bruce Carroll, Ryo Akuki,  
23 Brandon Conlin, Jason Hargus, Arthur -- I  
24 am forgetting his last name.

25 Q. What is the basis for your

1 BELANGER

2 knowledge of how those individuals were  
3 treated?

4 A. Communication with them.

5 Q. Did you ever observe any  
6 interactions between Dean Montoya and any  
7 of those mean that you just listed?

8 A. Broadly speaking, yes. I  
9 observed interactions. I mean Ryo was on  
10 the curriculum committee with me and  
11 Montoya.

12 Q. Did you observe any --

13 A. I am sure I was in meetings with  
14 other, you know --

15 Q. I am just going to make the  
16 question a little bit more specific.

17 Did you observe any interactions  
18 between Dean Montoya and any of those  
19 individuals that you believe were  
20 discriminatory or retaliatory?

21 A. I wasn't necessarily a direct  
22 observer.

23 Q. At the time you reported your  
24 anxiety disorder -- let me rephrase the  
25 question. I'm sorry.

1 BELANGER

2 When was the first time that you  
3 told Dean Montoya and Provost Waley-Cohen  
4 that you had an anxiety disorder?

5 A. I believe it was in the late  
6 summer of 2018.

7 Q. And what were the circumstances  
8 in which you shared that information?

9 A. I shared it in e-mail and in an  
10 exchange with them about, you know,  
11 various things.

12 Q. I believe I confided in Casey  
13 Owens prior to that.

14 Q. And what had you confided to  
15 Casey Ownes?

16 A. That I had been diagnosed with  
17 an anxiety disorder, and that -- and that  
18 Dean Montoya and Provost Waley-Cohen were  
19 major contributing factors.

20 Q. Do you have any reason to  
21 believe that Casey Owens shared that  
22 information with Dean Montoya or Provost  
23 Waley-Cohen?

24 A. I don't know.

25 Q. Other than the events that



1 BELANGER

2 you've testified about today and in the  
3 prior session of your deposition, were you  
4 subjected to any other type of adverse  
5 action for which you are asserting a claim  
6 in this lawsuit?

7 A. It is difficult for me to keep  
8 in my head all of what we have discussed,  
9 all of what is in my complaint. So I  
10 really can't say. It is beyond my  
11 concentration level.

12 Q. And then with respect to your  
13 allegation of harassment, were there any  
14 other interactions that you had with  
15 anyone at NYU Shanghai or at NYU that you  
16 found to be harassing that were not in  
17 writing or in the recordings that you sent  
18 that you produced that you didn't testify  
19 about?

20 A. I can't recall at this time. I  
21 need to read the deposition and compare  
22 that with the complaint and evidence that  
23 has been gathered through the discovery  
24 process.

25 MS. FRIEDFEL: I don have any

1 BELANGER

2 other questions. Thank you for your  
3 time. We are the record now.  
4 (Time noted: 4:50 p.m.)  
5  
6  
7  
8  
9

10  
11 MATTHEW CHARLES BELANGER

12  
13 Subscribed and sworn to before me  
14 this day of , 2023  
15  
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BELANGER

C E R T I F I C A T I O N

I, DEBBIE ZAROMATIDIS, a Shorthand  
Reporter and a Notary Public, do hereby  
certify that the foregoing witness,  
MATTHEW CHARLES BELANGER, was duly sworn  
on the date indicated, and that the  
foregoing is a true and accurate  
transcription of my stenographic notes.

I further certify that I am not  
employed by nor related to any party to  
this action.

A handwritten signature in black ink, reading "Debbie Zaromatidis". The signature is written in a cursive, flowing style.

DEBBIE ZAROMATIDIS

BELANGER

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ASSIGNMENT NO. CRCC 5908233

CASE NAME: Belanger, Matthew Charles v. New York University, Et Al

DATE OF DEPOSITION: 5/12/2023

WITNESS' NAME: Charles Belanger

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Charles Belanger

SUBSCRIBED AND SWORN TO

BEFORE ME THIS\_\_\_\_\_DAY

OF \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

[1 - 2020]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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